

An Independent Evaluation of the Dyfed-Powys Bureaus

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EXECUTIVE SUMMARY

The aim of this research was to conduct an independent evaluation and review of the implementation and adaptation of the Bureau system used for children across the four Local Authority areas (Carmarthenshire,



Ceredigion, Pembrokeshire and Powys) within the Dyfed-Powys police force (map appears on Dyfed-Powys police website). Whilst there have been Bureaus introduced in other parts of Wales, notably Swansea, at the start of the Bureau system in Dyfed-Powys it was the first such system to be operated in a largely rural environment. The system is designed to address offending in a child centred way: children first and offenders second. It operates promptly when the offense is still fresh in the mind of both the child and any victim which ensures that both the child recognises the link between action and its effects and the victim can feel positive about their harm having been addressed. It aims to listen to children and give them a second chance by

supporting them to achieve their full potential and enjoy their rights. It is a safe, informal place where children are helped to understand the consequences of their actions and supported to lead pro-social lives.

Our overwhelming finding is that the Bureau system works well for children, their families, victims and communities. Whilst there is not yet sufficient statistical data to categorically prove this finding (Bureaus need to have been operated for longer), the data we have supports it and all our qualitative data (observation of Bureau, interviews with children and their families, workers, police and community Bureau panel members) also clearly confirms it.

Another important and positive finding was the passionate desire of all the youth justice workers and police we interviewed to ensure that the youth justice system provided positive outcomes for the children and their families as well as for victims and the local community. We therefore found a workforce which reflected deeply and critically on their work and its effects, they were constantly searching for ways to improve both the Bureau and their own performance within it. We were privileged to be trusted as they spoke openly about their work and this has enabled us to suggest aspects of the Bureau system which might be improved to ensure an even more effective and efficient system. Some of the suggested improvements may require other agencies to provide more support to children when they are working towards a more positive life, these agencies may also need to improve the way in which they deliver the entitlements to which all children in Wales have a right. There is a comprehensive list of suggestions found at the end of this document (Appendix 1). However, it is essential to recognize that each is a fairly minor change and, even if none of these is adopted, the Bureaus in Dyfed-Powys are providing an exciting improvement for communities, victims and families in the area and, most importantly, are already ensuring that children's rights are better respected by treating them as children to be reintegrated, rehabilitated and most importantly supported to achieve their potential.

Core findings and recommendations:

One aspect which arose throughout was the need to address delays at each stage because delay interferes with the effectiveness of all restorative practices and interventions.

1. Ethos and Aims

- There is a need both to agree on a clear ethos underpinning the Bureau and to delineate the aims of the Bureau.

- Once agreed these need to be widely disseminated through training to ensure all YJS workers are aware of exactly what they are trying to achieve and why.
- Ethos and aims also need to be widely disseminated within the police force and other partner agencies.

2. Police Practices

- A number of issues concerning police action in Bureau cases came to light:
 - delays, e.g. Bureau cases should not be delayed awaiting a co-offender's court appearance;
 - need to keep arrests to a minimum;
 - shared responsibility for cases might be considered;
 - the flow of information between YJS and police needs to be improved;
 - greater attention needs to be paid to ensuring that the level of evidence is sufficient before cases go to Bureau;
 - the high number of children who had no legal advice needs to be addressed.
- Some of these would be improved through wider dissemination of the ethos and aims of the Bureau.
- Consideration of and training in some police processes would also help.
- In designing or redesigning police processes embracing children's rights and 'children first, offenders second' will help ensure that child friendly police procedures are adhered to though clearly care needs to be taken to ensure that this does not impact negatively on other aspects of police work.
- Greater use of temporary secondments would both facilitate an understanding of the Bureau and further cement the partnership.

3. Youth Restorative Disposals (YRDs) and Charging

There were suggestions that the police decisions concerning both YRDs and charging should be considered and altered:

- Overall there was great respect for the local knowledge and community understanding that the police use when deciding to use a YRD. However, some felt that officers might benefit from training about 1) how to recognise when a child should be referred to the local YJS prevention team; and 2) how requesting information from the YJS would lead to more informed decisions.
- To prevent 'net-widening' the police should not send very trivial cases through to Bureau. Such cases should be referred to the YJS preventions team (they might also be considered for YRDs).
- Almost all those interviewed agreed that more informed charging decisions would result if the police always requested information from the YJS.
- To prevent problems later the police and YJS should discuss all potential borderline cases before the decision to either charge or send to bureau is taken.

4. The Bureau

Overall this system was supported by everyone, it is a clear improvement on earlier procedures. The Bureau is delivering more just outcomes for everyone and is cheaper than court. However, the Bureau could be improved.

- The home visit is essential to preparing a good report as are listening to the child, the victim and the parents/carers. However, some felt that a full formal assessment might not always be necessary, more important was building a relationship with the child.
- Most Bureaus need to further embrace restorative principles in the choice of venue, layout and approach of the Bureau.

- Whilst a pre-bureau meeting is essential any discussion should not be final, the panel must listen to the child before finalising their decisions.
- Bureau should be kept separate from any restorative meeting with victims.
- The excellent work with victims needs to be recognised but greater care must be taken to ensure this aspect of the work takes greater account of the child. Also if a victim hub is being designed it must take account of Bureau processes and enhance rather than impede them.
- Reasons for decisions need to be focused on the particular child and both written and communicated using child friendly, not professional, language.
- Throughout children should be empowered by being properly listened to and supported.
- New and present staff should be fully trained in the ethos and procedures of Bureau.

5. Outcomes and Interventions

To be effective outcomes and interventions need to engage the child so they must be just and properly focused on that child.

- Some interventions missed the mark, improving the way in which they listen to the child and act to address their needs might address that.
- Support for the child in addition to addressing his/her criminogenic risks should be more central.
- To ensure justice in all its decisions the Bureau should enjoy full discretion to decide which outcome to use in each case. Outcomes and interventions should be kept to the minimum necessary to deal with the incident.
- The four YJSs need to discuss and carefully consider whether/how to use reparation and compensation for Bureau cases.
- Children should be more carefully supported to achieve their potential, this might require deeper and better informed partnerships with other agencies.

6. Data, Scrutiny and Sustaining the Bureau

- To facilitate analysis and comparison all YJSs need to collect uniform data and store it in agreed formats.
- All YJSs should conduct regular internal supportive peer-reviews to facilitate learning. They should also encourage similar supportive scrutiny between YJSs.
- The Out of Court Disposals Scrutiny Panel (OoCD) should be child specific.
- The type of work conducted by each YJS has moved from statutory to Bureau work.
- Each YJS noted that their workload was now greater than earlier, though the work was also more effective. The extra work the Bureau requires needs to be recognised.

INTRODUCTION

1 Background

There has been an enormous change in youth justice over the last 20 years. In 1997 the New Labour administration promised to tackle what was then popularly seen as a major problem in youth crime over which the political parties vied to prove they were tough (Pitts, 2003; Centre for Social Justice, 2012: 26). They brought in systems to intervene early in a young offenders career which led to many children being criminalised at a very young age (Goldson, 2000; Morgan, 2008 a and b). This happened against the backdrop of a falling youth crime problem. By 2008 youth crime was no longer a major political issue whereas the number of children being processed was becoming problematic and the potential damage to the lives of children was starting to be recognised (Kemp *et.al.*, 2002; McAra and McVie, 2007 a and b) so the government moved to reduce the numbers officially dealt with by tackling the number of First Time Entrants (FTEs, see Home Office, 2008). Almost immediately numbers began to drop, FTEs were reduced by 20% within 12 months. This diversionary policy has continued and been extended over recent years (Ministry of Justice, 2010). Whether stimulated by financial stringency (Creaney and Smith, 2014; Haines *et.al.*, 2012; Rix *et al.*, 2011) or a genuine acceptance of the evidence that less intervention is more likely to succeed (Kemp *et.al.*, 2002; McAra and McVie, 2007 a and b) is unclear but the new policy expanded the pre-court disposals open to the police and youth justice service, it permitted more flexibility so opening the doors for many new policies.

This new flexibility ushered in Youth Restorative Disposals (YRDs, Home Office, 2008: 21) which were administered by the police and used for 'low-level' crime and anti-social behaviour with each young person only receiving one and the restorative element generally being an apology (Rix *et.al.*, 2011: 26). YRDs were generally seen as positive way of diverting low level offenders out of the official system (Rix *et.al.*, 2011: 27). The move to a more flexible policy was extended and formally legally recognised in s.135 of the Legal Aid Sentencing and Punishment of Offenders Act 2012 (LASPO) which replaced reprimands and final warnings with caution and conditional caution (by inserting sections 66ZA and 66ZB into the Crime and Disorder Act 1998). Importantly the government expressed a wish to 'end the current system of automatic escalation and instead put our trust in the professionals who are working with children on the ground' (Ministry of Justice, 2010: 69). The new approach is not without critics and needs to be rolled out with care:

'There are a number of circumstances where an out-of-court-disposal may be inappropriate. In cases of serious offending, the victim may feel that they do not get justice. Unlike with adult cautions, there is no requirement to consent, therefore a young person may be burdened with a criminal record without due process; in cases of genuine guilt, they may be insufficient to nip offending behaviour in the bud.' (House of Commons Justice Committee, 2013: 20)

Despite this nervousness alongside and often leading government ideas have been a plethora of diversionary mechanisms. In fact the change in government focus from an entirely retributive model based on risk and public protection towards one which at least recognised other issues released youth justice workers and YJSs to design progressive systems to promote the best interests of children in trouble with the law. For example, the Youth Justice Board championed a 'Triage' scheme (Institute for Criminal Policy Research, 2012) and local Youth Offending Teams (YJSs) ushered in a number of new initiatives (County Durham Youth Offending Service, 2012; Eshalby, 2011; Haines et al., 2013; House of Commons Justice Committee, 2013; Hull Youth Justice Service, 2010; Mackie *et.al.*, 2011, Wood *et.al.*, 2011). Each system is focused slightly differently and each has a complex mesh of underlying intentions. At the core of most is a desire to divert children out of the formal youth justice system. Alongside this is generally a desire to move

children towards a more welfare based approach and/or bringing in a restorative process generally designed to support victims by providing for apologies, compensation or reparation and sometimes even a conference with the young offender but sometimes just ensuring the child is aware of the effects of their actions on victims. However, in its 2012 guidance the YJB made it clear that the decision-making should be based on the offence not on the child. The guidance suggested that the YJB understanding of out-of-court decision-making was that it should be based first on the offence and only then should it take account of any other issues (Walker and Harvey-Messina, 2012). This retains the justice-based approach as the core of the decision-making (retaining retributive and control) even within diversion but permitting welfare principles to permeate to the surface (Morgan and Newburn, 2007 and Smith, 2007). Therefore whilst diversion takes more account of the child it fails to be child centred and this is problematic for youth justice in Wales where children are guaranteed their human rights.

1.1 Human Rights for Children in Wales

The Welsh Government aims to deliver a truly rights based approach to children, one fully based on the United Nations Convention on the Rights of the Child (UNCRC, 1989). In Wales this provision grows out of a number of documents, especially *Extending Entitlements: Supporting Young People in Wales* (Welsh Assembly Government, 2000). The entitlements were given statutory force in the Learning and Skills Act 2000, s.123. Importantly when considering how to deal with the criminal behaviour of children it is adults who are made responsible for ensuring that children achieve their potential and enjoy their entitlements; it is recognised that children should not be made responsible, they are not adults. The intention is that these principles should underlie all aspects of children's lives so they are repeated in all strategies to do with children from *The Learning Country* (Welsh Assembly Government 2001 and 2008), through *Extending Entitlements* (2002a and b, and 2005) and into all other areas, including all the Youth Offending strategies which prioritise the 'children first, offenders second' policy (Welsh Assembly Government and Youth Justice Board, Cymru, 2004, 2008, 2009 and Welsh Government and YJB, 2014). The language in each of these is rights-based, entitlements for children. It is also heavily influenced by social justice and intended to provide ... 'a set of rights, which are, as far as possible: free at point of use; universal and unconditional' (Morgan, 2002: 3).

The Welsh Government have noted that at the core of the UNCRC there are four fundamental or grounding principles:

- The guarantee against discrimination, set out in article 2.
- The best interests of the child (their safety, protection, development and the protection of their rights) should guide all decisions relating to children (article 3).
- The views of the child should be both sought and taken into consideration (article 12).
- Being true to these three should ensure the survival and development of each child as guaranteed under article 6. This is not just basic physical needs, rather it is intended that children should be provided with the resources necessary to support them to achieve their maximum potential.

It is these four principles which have guided the Welsh Government in its application of the UNCRC to children in Wales. By adhering to this the Welsh Government aims to embrace both equality of outcome (not just of opportunity) and supporting engagement and participation for children (Drakeford, 2010: 143).

The international community expects all states when dealing with a child who has offended to respect the four founding principles as well as others, especially articles 37 (detention and punishment) and 40 (juvenile justice). Under the UNCRC children who are believed to have broken the law have the right to be treated: '... in a manner consistent with the promotion of the child's sense of dignity and worth, which reinforces the child's respect for the human rights and fundamental freedoms of others and which

takes into account the child's age and the desirability of promoting the child's reintegration and the child's assuming a constructive role in society.' (Article 40(3) UNCRC)

The international human rights community recognises certain other 'truths' which should underlie decision-making in cases of children who offend:

'Consideration that youthful behaviour or conduct that does not conform to overall social norms and values is often part of the maturation and growth process and tends to disappear spontaneously in most individuals with the transition to adulthood' (The Riyadh Guidelines, 1990: Para. 5(e));

....

Awareness that, in the predominant opinion of experts, labelling a young person as "deviant", "delinquent" or "pre-delinquent" often contributes to the development of a consistent pattern of undesirable behaviour by young persons.' (The Riyadh Guidelines, 1990: Para. 5(f))

'In all decisions taken within the context of the administration of juvenile justice, the best interests of the child should be a primary consideration. Children differ from adults in their physical and psychological development, and their emotional and educational needs. Such differences constitute the basis for the lesser culpability of children in conflict with the law. These and other differences are the reasons for a separate juvenile justice system and require a different treatment for children. The protection of the best interests of the child means, for instance, that the traditional objectives of criminal justice, such as repression/retribution, must give way to rehabilitation and restorative justice objectives in dealing with child offenders. This can be done in concert with attention to effective public safety.' (UN General Comment No. 10, 2007: Para. 10)

'The commission does not believe that retribution is an appropriate element in a juvenile justice system, if the aims of reintegration and rehabilitation are to be fully utilized.' (Report on juvenile justice and human rights in the Americas, 2011: Para.59)

Human rights and the international community therefore expect states to: protect children from harm (mental and physical) and from problems such as discrimination; promote and provide for their best interests and for what is necessary for them to reach their full potential; and ensure that they can participate in social life and specially that they are heard in judicial and administrative proceedings (Article 12). What it does less effectively is to empower children.

1.2 Welsh Government

In strict legal and constitutional terms the Welsh Government has no power over youth justice as it remains a non-devolved area and officially sits under the Ministry of Justice and Youth Justice Board (YJB). However, most of the workers in youth justice in Wales are employed under contracts answerable to the Welsh Government and most of the money for youth justice in Wales arises from the Welsh Government (Drakeford, 2010: 139 and Williams and Feilzer, 2013: section 3). Therefore, despite the legal and constitutional position the service must also be answerable to Welsh Government policy. So the law and broad policy base within which youth justice has to operate in Wales is set in Westminster by the Ministry of Justice and central YJB whilst the way in which this operates on the ground is set by the Welsh Government and YJB Cymru (as long as that does not contradict the Westminster requirements, see Neal, 2007). Each aspect of youth justice is negotiated and set out in Welsh Government policy documents, the most recent is 2014 (Welsh Government and YJB, Cymru, 2014). In various parts of this the Westminster voice can be heard:

'Offending behaviour is challenged and responded to proportionately, with an opportunity for young people to make amends.' (Welsh Government and YJB, Cymru, 2014: 12)

Proportionality links in with addressing the child as an offender and therefore as potentially fully responsible for their offending (O'Mahony, 2009; Paylor, 2010; Bateman, 2011); responsible to the same extent as

adults, to be seen as offenders and therefore less deserving (Goldson, 2002; O'Mahony, 2009; Bateman, 2011). In others the Welsh Government voice comes through more clearly:

‘Young people are children first, offenders second.’ (Welsh Government and YJB, Cymru, 2014:

4)

and

‘Services are held to account for addressing the needs of young people’ (Welsh Assembly

Government and YJB, Cymru, 2014: 4)

Whilst this permeates much of youth justice work throughout the UK a policy focus on it as being central to youth justice is fairly distinctive to Wales and its desire to deliver rights to children. The way in which the document is written suggests that the application of calling the child to account (Westminster) is locally applied in line with the idea that the offender is a child first (Welsh Government).

1.2.1 The Need for Compromise

The law, as set down in Westminster must be followed and sets the parameters in which this rights based youth justice can operate. It is therefore important to understand the legal requirements. The present rules are set out in s.135 of the Legal Aid Sentencing and Punishment of Offenders Act 2012 (LASPO) which replaced reprimands and final warnings with caution and conditional caution (by inserting sections 66ZA and 66ZB into the Crime and Disorder Act 1998). A caution can only be used if the child admits the offence and there must be both sufficient evidence to charge and a reasonable prospect of a conviction. Finally, it must be decided that a court conviction would not be in the public interest (for a full discussion see Ministry of Justice and YJB, 2013). The guidance (Ministry of Justice and YJB, 2013: 8) sets out the options available for any offence committed by a child:

No further action (NFA);

Community resolution (CR);

Youth Caution (YC);

Youth Conditional Caution (YCC);

Charge.

Indictable only offences require the authority of the CPS to be considered for a community resolution, caution or conditional caution. In less serious cases the police make the decision based on the Youth Gravity Factor Matrix (based on the offence and mitigating and aggravating factors) designed by the Association of Chief Police Officers (ACPO), which is now replaced by the National Police Chiefs' Council (NPCC).

They are designed to permit more flexibility than had been possible under the final warning system. They permit an officer to choose a caution even if the child has previously been convicted or been given a conditional caution, one can move down the scale as well as up. So a caution may be appropriate if there has been a sufficient lapse of time to suggest the earlier intervention or punishment had a deterrent effect, or the offences are very different, or it is the best outcome for the victim and offender in this case, or the offender is willing to comply with interventions or it is likely to be effective in preventing offending. Despite this flexibility the guidance advises against ‘inappropriate repeat cautioning’ and states that in decision-making there should be a strong focus on protecting the public. However, a higher intervention or penalty should only be used if it is in the public interest to take the more serious approach.

In delivering any out of court settlement but especially in the case of Youth Cautions the status and effects of the decision should be explained. For community resolutions it should be noted that information about these is only held locally and will only be considered if there is any further offending. A Youth Caution is a formal criminal disposal which is recorded on the Police National Computer (PNC) so a permanent record is kept by the police and can be accessed by any police force in the country. However, under the Rehabilitation of Offenders Act 1974 they are considered ‘spent’ as soon as they are delivered (Rehabilitation of Offenders Act 1974, as amended). This means that there is generally no requirement to

disclose a Youth Caution to, for example, a prospective employer. However, they may be disclosed for some professions, especially those working with children or vulnerable adults and they can be cited in criminal proceedings. Furthermore certain offences have other possible consequences, for example if it involves a sexual offence there will be notification requirements under the Sexual Offences Act or in the case of drugs could preclude travel to some places (e.g. to the USA or Australia). They can therefore have a detrimental effect on the child's life, may even blight their chances of gaining the type of employment they want, and should not be taken lightly.

In all cases where a Youth Caution is to be considered there is a requirement to ensure victims understand that a caution still challenges the child's behaviour. Where victims are asked questions they should be given time to consider their response, especially if they might take part in a restorative process.

Complying with these rules and using diversionary outcomes whenever possible does not alone deliver a rights based approach. Furthermore calling it 'children first offenders second' does not alone guarantee rights for children who offend, language alone is not sufficient. To be rights based the application requires:

- a move away from retrospective, offence-focused and risk-focused policies. Such policies merely attribute blame and punish, they control children and treat them as small adults, and they cannot repair the wrong surrounding a crime;
- a move towards looking at the child involved in the 'criminal' behaviour not just dealing with the crime. The child is not usually capable of full (adult) blame and responsibility so should not be punished as an adult;
- recognition that adults have to listen to children and take account of what they say in any decision-making, particularly in any legal proceedings affecting the child; and
- recognition that adults have to take responsibility for ensuring that all children (even those who transgress) enjoy their rights and entitlements. All children need respect and decisions about them should be in their best interests. Children who transgress, even those who may be a danger to others or whose offending is serious, must be supported to reach their full potential, their developmental interests are protected and are central to the decision-making.

The requirement to protect the developmental interests of the child is essential to a rights based model. For rights to nurture healthy children in a healthy society they must provide not only an atmosphere in which autonomy exists but also one in which it is a reality to be enjoyed by all (Raz, 1986 and Berlin, 1958 and 1969). This requires adults to ensure that children enjoy: freedom from interference from others, particularly adults in the community, unless such interference is necessary and in the best interests of the child; reasonable provision of resources so enabling children to enjoy rights; support to make themselves heard and to develop to their full potential; support to ensure they learn to respect the rights and dignity of others, even where different ways of life and belief are evident. A criminal record stifles a child's life chances therefore, wherever possible children should be diverted out of the justice system into one which promotes and supports social living. This requires a turning away from control and retribution towards empowerment, including listening to the child, ensuring their needs are met (Case and Haines, 2014 and 2015 and Haines and Case, 2015) whilst at the same time recognising the need to respect others and showing the child what that means. Here 'criminal' behaviour is not ignored but to be dealt with in an age appropriate manner which serves the community by encouraging pro-social behaviour and supports the child reaching their true potential. This requires flexible, responsive, and co-operative community problem solving of individual cases (Williams and Arrigo, 2001 and Fox, 1993). However these community solutions need to be carefully bounded by protection of rights to ensure fairness and justice. Such community resolutions may be more effective as they require the child offender to engage. When they offend children are active participants (even if not fully reasoning) who are interacting with their social worlds (Hagan and McCarthy, 1997) and for whom crime may be empowering (Katz 1990) but in a formalised legal system they are disempowered and passive, things are done to them which may control

them but which they may not see as relevant to who they are, they can therefore distance themselves from the process. Less formal resolution systems render children active participants in rectifying the situation of harm they have caused, they have to engage with the process and face responsibility.

Many of these informal processes consider restorative justice as central but if it is only a partial, cleansed and formulaic restorative justice, one demanding formulaic remorse and restitution whilst not fully addressing the emotions of any of the parties nor doing anything to help reintegrate the 'offender' it is unlikely to succeed (Arrigio and Schehr, 1998). To be effective the child needs to genuinely engage and express him or herself and be listened to (Katz, 1990 and 1999) so their true emotions can be heard and real solutions found for both the victim and the child who has offended (User Voice, 2011). Restorative justice, if properly used, tackles the harm caused by the offender AND any problems the child is facing, not only those discovered through a risk assessment (rigid and formulaic O'Mahony, 2009) or identified by professionals but also the real problems as experienced and voiced by the child and his/her parents/carers. It is necessary to listen to the child and ensure that their needs and grievances are considered, anything less will never heal the wounds or address harm and deliver security whilst allowing identity to be retained (Haines and Case, 2015). This is most likely to promote healing of social exclusion and its consequences but will be time consuming and expensive.

In some areas in Wales this has been achieved or aimed at through Bureaus. The first Bureau was in Swansea where they aimed to: divert children out of the formal youth justice system; reduce the number of first time entrants into the system; use a children first, offenders second approach; and provide programmes which promote positive and pro-social behaviour so tackle the causes of offending. Bureaus have now arisen in other areas. Whilst each area has a slightly different Bureau the core is generally that the children be diverted away from an official criminal record through a system which promotes and supports positive behaviour. Bureaus require co-operation between the police and the local Youth Justice Service (YJS) and generally operate within a formal partnership agreement which clearly specifies the roles of each partner and other important elements to the process. Bureau are also intended to deliver the Welsh Government agenda of children first, offenders second so they work with the children and listen to what the child and their parents/carers have to say both about their offending but also about other issues. They are intended to give children a second chance, to listen and be as non-judgemental as possible. This approach is seen to be important to all children as illustrated by these quotes from children who had offended in England talking about the need to listen to children, to support them and not judge them, to understand that they are children and the one from a professional learning about the importance of listening to children:

'I would make it possible for young people to have access to a counsellor or some kind of therapist because a lot of my problems started from when I was a child and I saw things a young person should not. Do you know how many youths have been sexually abused? It seems like there is no one we can trust to talk about these things, it would help if we knew we could go to someone who would listen and not judge us.' (Kamal, South West. User Voice, 2011: 33)

'One thing people have to understand with young people is that they are gonna make mistakes and do stupid things. We don't think of all the consequences before. People don't tell us that if you do this, this will happen and all that. (Scott, Young Person, South East: User Voice, 2011: 14)

'They're quite solution focused – it's not just moaning and groaning, they're really coming up with ideas for change. I've been really impressed by these children who are prepared to stand up, tell their stories and come up with solutions. It's so important to listen to young offenders and we don't do enough of that in probation.' (Heather Munro, chief executive of the London Probation Trust. User Voice, 2011: 39)

The Bureau process is intended to try to listen, support and not judge. Whilst it is quite quick, between 2-4 weeks, it is still slower than the old cautioning system. The extra time is used to engage with the child

and is intended to provide time to understand their issues and to work out a strategy of supporting them to deal with any problems. Bureaus are, therefore, not intended to blame children but rather to help them to understand the consequences of what they do and support them to improve their own lives.

Once a child is known to the police and has admitted their offence the Bureau is intended to be a swift process which helps the child to retain a link between the offence and the outcome. A swift resolution can also help victims come to terms with their victimisation. The resolution is local, less formal and the child is expected to participate by discussing his/her behaviour and life first with the Youth Justice worker and then again with the decision-making Bureau. This means that whilst they are not forced to take full responsibility they are supported to be active participants in how best to rectify the harm caused (for a full discussion see Haines and Case, 2014).

The Bureau system has the potential to respect the rights of children, to treat them as children to be reintegrated, rehabilitated and most importantly supported to achieve their potential. It has the potential to deliver on the UNCRC rights by looking first at the child and only secondly at the offending behaviour. Part of this research will consider the extent to which children's rights are respected in the system in Dyfed-Powys. The research will also consider other aspects of the Bureaus in Dyfed-Powys it will begin to analyse what it is trying to achieve and assess how effectively these issues are delivered.

Key Objectives and Methodology

2 Research Context

During 2014, following a pilot in the Powys Local Authority Area, all four Youth Justice Services in Carmarthenshire, Ceredigion, Powys and Pembrokeshire have introduced a Bureau system. It is understood that the Bureau system across the Dyfed Powys Police Force area was inspired in part by other Bureau systems at work within Wales but have been adapted locally. Although the Bureaus are still in their infancy and, at the time of conducting the evaluation, less than 12 months had elapsed since their introduction within most of the Local Authority areas, it was deemed an appropriate time to assess their initial implementation and working practices.

This research project was commissioned by Youth Justice Service Managers alongside the senior Dyfed Powys Police Officer responsible, within his portfolio, for Youth Justice. The evaluation is intended to be an independent review of the implementation and adaptation of the Bureau system across the four Local Authority areas within the Dyfed Powys Police area. It is widely understood that where possible a corporate approach is being sought to be achieved, however this is balanced with local delivery within the four Youth Justice Services.

2.1 Key Objectives

- To evaluate independently the implementation of the Bureau system
- To evaluate and scrutinise current working practices and policy
- To provide a qualitative review of views and opinions of key stakeholders
- To assess the balance between delivering a corporate approach and local delivery
- To identify areas of good practice or suggested improvements

2.2 Data Collection and Analysis

The evaluation has been completed by utilising a mixed methods approach of gathering qualitative and quantitative data. Stage one consisted of a data gathering exercise obtaining policies and guidance, a review of academic literature and strategy documents alongside interviews with Youth Service Managers. Stage two consisted of a data collection phase and involved obtaining data from each Youth Service and Dyfed Powys Police as well as discussing the management of information for the Bureau process and their performance data outputs. Stage three consisted of semi structured interviews with 52 key stakeholders ranging from the Youth justice workers and other staff members, the police, lay members of the Bureau and children (young people) who had first-hand experience of going through the Bureau process. Observations were conducted of relevant meetings and Bureau cases to gain an understanding of business processes and a full appreciation of how the system has been introduced.

| Meetings Observed | No of interviews |
|--|---|
| Bureau | 13 where children attended 2 pre-Bureau where the child failed to attend |
| Team Meeting / Research meeting with YJ | 4 2 research 2 team meetings |
| Office of the Police and Crime Commissioner, Out of Court Disposals Scrutiny Panel (OoCD Scrutiny Panel) | 1 |

Table 2: Non-participant Observation

| Interviews Conducted | No of interviews |
|---|---|
| Children (Eight children but only seven with parents) | 8 One 14 year old Two 15 year olds One 16 year old Two 17 year olds Two 18 year olds (they were 17 at the time of the offence) |
| Parents | 7 |
| Youth Justice Manager | 4 |
| Youth Justice Worker | 21 |
| Police Officer (Seconded or other) | 7 |
| Community Bureau Panel Members | 5 |

Table 1: Interviews conducted

2.3 Presentation of Materials

Before beginning a few terms need to be explained.

- Throughout this report the words child or children have been used by the researchers, this reflects the Welsh Government ideology of children first, offenders second, recognises the different rights which children should enjoy and marks out their different level of responsibility and choice.
- Many of those interviewed have used the words youths or young offenders as those are the terms they use in their professional work.
- The researchers have referred to what are often officially termed 'Youth Offending Teams (YOTs)' as 'Youth Justice Services (YJSs)' because that is the way in which the local YOTs have been re-labelled to better reflect the nature of their work.
- In this report quotes from professionals set out the job description of the professional (or the fact that they are a panel member) and then given them a number, used to show that the comments come from a large number of interviewees.
- In this report quotes from children and their parents have been noted under the name of the child. All these names are fictitious but used so as not to depersonalise the children.
- The report tends to use only one quote for each point made, this is done to reduce the length of the report and it is important to note that there are numerous quotes to support most points.

Findings

This section presents the findings from the combined analysis of both the quantitative and qualitative data collected from Dyfed-Powys Police and the Youth Justice Services across Dyfed-Powys. The findings are presented around the themes that were revealed and brought together through a detailed analysis of the recordings, transcriptions, analysis of meetings and Bureaus and from the quantitative data. There are thirteen themes which will be grouped together under four areas, 'Passionate belief in the Bureaus', 'Preliminary Aspects', 'The Bureau Process' and 'Post Bureau'. These will each be explored, findings summarised and followed by key findings and recommendations.

3. Passionate Belief in the Bureau

Before embarking on a detailed consideration of the critical themes which were thrown up by the research, many of which culminate in recommendations for ways in which the Bureau system might be improved or strengthened it is essential to recognise the strength of support for the system as a whole, to give a flavour of what is being done and how it is affecting children, their families and communities. It is important to understand this holistic analysis and independent evaluation of the system because it is the context against which the recommendations should be understood and without it they lack true meaning and may be taken out of context. The essential element to grasp from the outset is that every group we interviewed, including the children and their parents, were very positive about the Bureau and how it both dealt with the harm caused by the crime whilst also generally guiding children towards an understanding of the problems caused by their behaviour and, in some cases, supporting children through problems in their lives.

This is the first such system to be introduced into a rural area and has taken courage and hard work by many professionals across the two partnership agencies, police and youth justice, to achieve. The system introduced in Dyfed-Powys took into account aspects of the Swansea Bureau (Haines *et.al.*, 2013) though recognised that parts of this would be unlikely to work or be impossible to deliver in rural areas. From the Swansea Bureau they adopted a system which would listen to children, support them to achieve their full potential, give them a second chance not judge nor blame but help children understand the consequences of their actions for victims, for themselves and their families and for the wider community. They also adopted a system which is quick so that children can remember and the process has meaning for them and their victims though in rural areas there needed to be a little more leeway on time, 3-4 as opposed to the two weeks in Swansea. Also imported from Swansea was the less formal process which intended to engage children and their parents in the outcome. Important to rural areas was that the resolution needed to be local. What was less easily arranged in a rural area was intensive youth justice work with the child and his/her parents in the weeks between referral to Bureau and the Bureau hearing. The other difference is that whilst in many cases the Bureau may be able to suggest interventions provided by other agencies the choice of such interventions is narrower than in large conurbations and often the youth justice workers have to provide a lot of support themselves.

So I was aware of what Swansea were doing. But I think it was always how do we bring something like that to a geographical area like ours and make it work. (Youth Justice Manager 2)

Every professional we spoke to viewed the Bureau as fairer and more likely to be effective than the old system of warnings and final warnings:

First mainly you don't want them to reoffend. young people do things wrong, but we want to make sure it doesn't happen again. you are breaking the cycle and keeping them out of the criminal justice system. But the bureau then can put a plan into that young person to help them. Because that is what a lot of people need, is help and support. that's the difference. Before we didn't have that support. A young person would come into a station and ... you would have your outcome, your warning, your caution there and then. And that's it. Don't do it again. The

difference is now, you see them, they come in with their guardian or parents. You have a feeling of what is going on. And you say this is the outcome, this is the process, these are the consequences and there are consequences for your actions. You have to understand that. But we want to help you as well. (Police Officer 12)

The youth justice workers and the police officers supported the Bureau wholeheartedly and were all passionate in their belief that they were doing the right thing for children and that the Bureau is a more effective way of dealing with child offending.

Everyone I speak to says that what we have adopted is the right approach. And it's the way they would want their children dealt with if they were ever caught doing something they shouldn't have. Organisationally we are catching up with people's views. (Police Officer 28)

I think they are working exceptionally well. I have found myself with youths that I have gone to do assessments with have gone through the bureau, I know it's only been a year, but the reoffending is minimal. I think it's very, very effective, I really do. And I think it's going to help the younger generation in the long term ... I can go out to what initially seems a straightforward no problem offence. ... and all of a sudden ... a whole can of worms have opened up. And you are suddenly thinking, gosh how has this lad come this far without coming through the system before? That is when everything kicks in and you think what a brilliant idea, what a brilliant idea that the bureau is here. That we have stepped in at this level to prevent him going through. (Youth Justice Worker 14)

All workers were pleased to be supporting children at an early stage. This early engagement was allowing them to connect with children before they were cynical, sometimes before their criminal or negative behaviour got too embedded or entrenched. It also meant that the children were often willing to engage.

I feel so positive about the bureau. It's a different way of working, but I think it's the best way of working. Just having that early input, and giving children the opportunity ...being diverted away from the court. It's just so beneficial I think, isn't it, for how they think and what they are going to do in their future as well, isn't it? I am just really proud of being able to work here, you know? ... It is very much preventing and trying to permit positive outcomes. And making sure that children are supported really, to access the services that are already in their communities. You know, so they can enhance what they are doing, improve what they are doing. Give them better opportunities. Give them equal opportunities to some of the children that they sit with in the classroom. It's all that really isn't it? ... So the balance has gone right back to where people are working with us on more of a voluntary basis. That we are doing the best thing for them, in terms of their future. Because they are not having convictions. So it's not affecting their education, training and employment. And their future life chances are better. The future is rosier because of it ... (Youth Justice Worker 8)

The workers were also pleased that the Bureau gave them the opportunity to support parents in trying to teach their children positive behaviour.

.... what you find a lot of is parents coming to bureau potentially saying, I am struggling, I need help. And they have actually got people to speak to who can put things into plans. Open, frank discussion between parent and young person. Because at bureau we almost always ask, what impact do you think this has had on you Mother? What do you have to say to your son? So it's almost a restorative element. (Youth Justice Worker 13)

This enthusiasm was generally replicated when we spoke to the children and parents though, as will be seen later they did have some concerns. But many of them also spoke very positively and sometimes passionately about the Bureau and their youth justice workers:

Gruffudd - To be honest he [my Youth Justice Worker] got it all down to a tee anyway. He was really good. He didn't lie about anything. He didn't try and trick me into anything. And he was just genuine and sound. He wasn't judgemental which was a big thing.

Gruffudd's Parent - The guy we had was extremely good at reading people. Especially youngsters. And he actually got [Gruffudd] to talk an awful lot more than I actually anticipated he would do. And he was very comfortable with [Gruffudd]. And [Gruffudd] obviously felt very comfortable with him.

I thought they [the Bureau] were, they bent over backwards really. They were very thoughtful and considerate, and concerned. They were kind really. They were very good. (Daniel's Parent)

We will be dealing with some of the specific negative comments later but two children were generally less content with the way in which he had been treated.

*The experience was horrible because I am a fifteen year old and I don't like being in that situation. It was pushed for too long. And there was a lot of waiting involved. **** [my Youth Justice Worker] was a good youth worker, as in she wasn't sort of pushy or negative or anything. She was always quite happy. (Peter)*

Well I sat ten hours in the station. Then I had what? Youth offending team, phone calls, and then going to Bureau ... (Catrin)

As will be seen later workers were also very proud of the fact that the Bureau system managed to both effectively engage victims and provide a holistic service for the community.

You have to take in how it's affecting the community ... if there wasn't a victim it's your job to give that community voice. ... we had one who had got drunk, and he had been abusive to a police officer. And was eventually arrested for public order. And we sort of explained to him, supposing your grandmother had been there. Because he talked about his grandmother. How do you think it would have been for her witnessing that? And I don't think he had given that a moment's thought. That people were walking past there, were seeing and they were disturbed and frightened by it. (Community Bureau Panel Member 2)

Each of these was supported because the system was swifter than most justice systems.

I think the speed is good. That potentially was one of the issues we had with things like referral orders, time lapsing makes people far less willing to engage, particularly with something like restorative work. If it's six, twelve, eighteen months since things have happened people are perhaps less prepared to revisit it. Or want to come in to meet the young person. The young person perhaps can't even now remember ... what they were thinking at the time. It can be quite difficult, it was a split second, the incident was over in seconds and it happened twelve months previously. So I think the two to three weeks is enough time to gather information, and I think we tend to be able to get it all done in that time period. (Youth Justice Worker 11)

A number also commented on the positive way in which it fitted with the community approach that was becoming more prevalent in the police force and in a number of other agencies as well.

We are very much a community based police station. We work well within that community. We are a big part of the community. We are a massive part of the community. And ninety-nine point nine percent of the population are very pro-police. And they see us as being there to help. I think that then reflects on the way I police, and the way I talk to people. the bureau compliments that style of policing' (Police Officer 15)

Many of these positive aspects were evident in the Bureaus we attended as non-participant observers. For example:

There was one young man who was well known to the police and whose family was well known to the police. At the start of his Bureau he was willing to cooperate but nervous. He slowly told his story. In the past he had hung out on street corners with other young people, he was always in trouble at school and left with no qualifications. When visited by the youth justice worker (YJW) he said that he felt he had no prospects; nothing really positive in his life. His YJW listened to him and supported him to find work before he went to Bureau. Before starting work he had to study for and pass a health and safety test. He was very proud of passing that test; it was the first

time he had passed anything. He started work before the Bureau and had pride in his new job which gave him a very real sense of achievement. He was happy to start at the bottom of the trade and slowly work his way up. Every day he enjoyed learning from what was going on around him. He had broken away from the drug using set of friends and was building new friendships. Getting up at 6:00 and happy to go to work whereas before his mother could not rouse him. His mother was also proud and pleased. She reported that he was also helping at home. Clearly his relationship with his mother and, she said, with the rest of the family had improved. He was now very embarrassed and sorry about all the pain and suffering he had caused the family in the past. The Bureau were clear about how unacceptable his behaviour had been but were also very positive and encouraging about the changes he had made in his life. As the Bureau progressed he began to sit up straight, to feel able to talk to the panel and his pride in his achievements shone out. He was clearly very grateful for the second chance and for the support. His demeanour on leaving was proud and confident; he looked like a different young man, he had grown two or three inches. There was a similar change in his mother who had been dismissive of him when the Bureau started but as she heard the panel praise him she altered and became proud of her son, she had never heard anyone say good things about her son before. His fervour for his job may wane but hopefully before then the habits of the new lifestyle will have been embedded and he will continue to live a positive life contributing to his family and the community and achieving his potential.

In another case the parent was clearly deeply upset by what her child had done, she sat quietly weeping in the Bureau. The child who had arrived quite strong saw this emotion and was genuinely upset at what he was putting his mother through. Emotions this strong were clearly heartfelt and probably more effective than any punishment in altering the child's behaviour. The researchers have seen similar cases go to court where the parent has supported their child because the punishment was too great, the system was unjust and the environment too formal to attract a full breakdown very often. At Bureau the atmosphere is more relaxed, the outcome is fair and then the parent can allow their emotions to bubble over and the child understands the pain they have caused.

Overall therefore, the children and their parents/carers, the managers, the community representatives, the police and the youth justice workers were all very positive about the Bureau. However, despite recognising it as an excellent system they also understood there might be aspects which can be improved and they want to make those improvements:

From an organisation perspective I think we believe that making changes was the right thing. And it's having organisational benefits, in terms of freeing up staff. And giving the seconded officers more responsibility. If there is learning to be had we are well prepared to learn. We are looking forward to the report... (Police Officer 28)

4. Preliminary Aspects.

4.1 Why were the Bureaus Introduced?

From 2008 onwards there has been a softening of the hard-line justice-based (retributive and control-based) and target-driven approach as the core of the decision-making towards one which retains a retributive core but actively embraces diversion and permits welfare and other ideals to become part of the process. Over the past seven years various initiatives have been introduced which have facilitated more local, community based resolutions. For example, since 2008 the police have been permitted and even encouraged to use Youth Restorative Disposals (YRDs) for minor offences (Home Office, 2008: 21) and more recently reprimands and final warnings were replaced with cautions and conditional cautions (Section 135 of the Legal Aid Sentencing and Punishment of Offenders Act 2012). Possibly as important as the loosening of

legal controls on practice and the provision of new practices has been the encouragement from Westminster to use these diversionary processes which has been enthusiastically supported and extended by the Welsh Government policy agenda (Welsh Government and Youth Justice Board, Cymru, 2014). This change in focus and particularly the encouragement to reduce the numbers of First Time Entrants (FTEs) into the official statutory youth justice system (the number of children being having a substantive outcome, a caution or court decision, for the first time) has facilitated the introduction of a Bureau system.

Well I think from a youth justice board point of view and a Welsh Government point of view, they were very keen on seeing whether or not there were other ways of doing court diversion. Especially from the point of view of young people being children first. (Youth Justice Manager 3)

... we are doing what everyone wants, we are not criminalising young people as much. (Youth Justice Worker 5)

Added to this there was greater flexibility permitted in the use of the new systems. For example, the old reprimands and final warnings had to be administered by particular officers and children who offended moved up through the punishments (warning to final warning to court); the new cautions can be administered by any police officer and are not intended to be used in order, e.g. a decision-maker might choose a caution for someone who had previously had a conviction. Furthermore, there were changes made both to the way in which these community resolutions could be counted towards a clear-up rate and to the focus placed on target-based policing:

It wasn't high on the police radar until the counting rules changed for them. And they were in a position where they could count a Bureau, or out of court disposal as a result. (Youth Justice Manager 4)

These factors had an effect regionally:

.... when the LASPO Act came in that changed the reprimand final warning system to the cautioning system that we have at the moment we saw it as a very good way of starting to get a more consistent and standardised approach across the region. (Youth Justice Manager 2)

In each part of the region there were also local drivers some of which would be the same across the region but others which were very local, often very different, which were pulling each of the four Youth Justice teams towards a change in practice. Whilst all these local requirements led to using Bureaus they meant that it needed to be slightly different in each area to ensure it delivered on local needs.

.... we did some work which showed that 50% of young people [locally] who were getting a caution were getting it for minor amount of possession of cannabis ...there were several examples where the charges were 'traces of' because it was so small they couldn't even measure how much cannabis there was. (Youth Justice Manager 1)

As well as these there were justice reasons and ones based on effective practice given for the introduction of Bureaus locally:

It was having a consistent screening process of those young people coming into the system one hundred percent of the young people were at least screened and assessed through ourselves. And that would bring about better outcomes. (Youth Justice Manager 2)

And financial reasons:

Politically, when we look at effective practise I am looking at actually reducing the cost. When you look at the cost to take somebody to court and the cost to operate a Bureau system there are significant savings. (Youth Justice Manager 2)

Whilst the impetus for a change was sometimes localised the pull was in the same direction and was accepted across the region. The four YJSs fall under one police area, they each lie in largely rural areas and experience many similar challenges in providing youth justice in their areas. For that reason they often work together closely and it made sense that if they were to introduce a fairly radical change to their practices, especially

one that might involve a change in police practice it should be a regional change. Therefore there was a pooling of ideas and an impetus towards consistency across the region:

... we were keen to look at this Bureau model and we realised that it would have to be a force wide discussion, regional. Regionally it wasn't necessarily about obstacles or resistance, it was trying to find some common ground in terms of using the same forms and practice. (Youth Justice Manager 4)

Overall

There is a shared commitment. Pragmatically we have a KPI about reducing first time entrants. So if you have a way of dealing with young people without criminalising them, and that was a big part of our thinking, not criminalising them. The gain would be locally, regionally and nationally that your first times entrants would be reduced. (Youth Justice Manager 3)

Furthermore, as noted above, there was a general feeling that the Bureau system was well-suited to the close communities which are often a part of rural communities (Williams, 2003; Feilzer and Williams, 2013; Charles and Davies, 2005 and Cooper and Innes, 2009).

.... people have to live in the same community. And if you have got to live in the same community with people who are offending against you, it's hard unless something happens. That somebody acknowledges, I did something wrong. And maybe I have over reacted and, yes I am apologising.... Then how can they live in harmony together? In a small community that would be hard. (Youth Justice Worker 8)

4.1.1 Choosing a System

At the time the Dyfed Powys YJSs were looking at systems there were a number of different models but the most attractive were the 'triage' schemes which had been championed by YJS from Westminster (Institute for Criminal Policy Research, 2012) and Bureaus such as that introduced in Swansea. Triage was rejected almost immediately as being unrealistic in a rural area:

.... we looked at the triage system as well. We couldn't see how that would work in our geographical area. So it was that bit about going away and designing what would work locally. (Youth Justice Manager 2)

The Swansea Bureau also had operational difficulties for rural areas but these could be overcome:

.... we didn't want to try and replicate what had happened in Swansea. Partly because of geography and logistic ... we needed something that was going to work [locally]. (Youth Justice Manager 1)

A number of people from the region visited the Swansea bureau and could see potential for it being altered to suit a rural area. The bureau type model was therefore chosen though it is important to recognise that it is not the same as what is delivered in Swansea. In Dyfed-Powys the police were pivotal to the introduction of the bureau, the system could not work without their support. The police accepted that it moved decision-making and therefore control away from them but were impressed by the reasoning for the introduction of the bureau and recognised the potential it offered for more consistent decision-making:

[I felt we should deal] with youth crime in a different way because I was uncomfortable with some of the outcomes in relation to how young people were being criminalised for effectively minor crimes. And I felt there was a better way of dealing with them, in terms of their life chances. But also in terms of the way the police service is perceived in later life by those individuals. (Police Officer 28)

Having accepted the idea the police embraced it wholeheartedly and in order to ensure consistency across the Dyfed-Powys police area they took a lead in its design and roll-out. The original proposal was written by a senior police officer, discussed and agreed with the four local YJSs and their management boards and with senior police management. Whilst the over-arching design was agreed centrally the way in which it would be rolled out locally was left to each YJS.

4.2 Ethos

The first important aspect which should have been addressed before introducing the bureau was why it was being launched. Whilst the discussion above gives some background to this it does not really explore the ethos behind the system as introduced in Dyfed-Powys. Some might argue that this is not entirely necessary as if one introduces a process then as long as it is properly designed it can just be rolled out and put into practice. However, with every youth justice system there have to be areas where professionals will be called on to use their discretion, at these points the aspects which should guide their decision-making should be the reasons why a system has been put in place. Without this each individual will aim at different ends and consistency and possibly also justice will be lost. Therefore we were very interested to discover how people at all levels understood the ethos behind the bureau, whether there were differences between and/or within areas. Furthermore, without fully understanding the ethos it becomes difficult to evaluate success. Overall there was no consistent approach though certain themes arose in many of the responses: restorative; diversion, supported by early and correct intervention; risk management; supporting parental responsibility; and listening to and supporting the child. Most people considered a few of these. One interviewee set out the reasons succinctly the reasons many others mentioned:

Probably three things. First, it's that opportunity to assess young people at the earliest point that their behaviour is becoming problematic. So it is about assessment. Secondly, about can we help the young person take responsibility for their actions, and then thirdly to try and resolve, or put right, or repair the harm they have caused. It is something about resolving the conflict. (Youth Justice Manager 1)

4.2.1 Restorative Justice

Almost every professional who was questioned mentioned this as one of the most important aspects of the bureau, they also generally recognised restorative justice or restorative approaches as something which ran through most of their work.

.... the young person then, taking responsibility and ownership of their actions, is a focal point. (Youth Justice Worker 14)

For most this meant using their professional skills to resolve conflict and so help the victims:

.... restorative justice just runs through the whole thing. I mean that's the integral part of what we do. It's about promoting the idea that we can put things right. And encouraging children and young people as much as possible to just face up to reality of what they have done in conditions that are safe, and where people have assessed and thought about what the victim is going through, what the child is going through, what the parents are going through. (Youth Justice Worker 8)

For many the focus on the victim was explained in terms of helping the child to alter their behaviour:

..... these are adolescents in a process of development so encouraging them to, "If you have done this Johnny, put your hands up. You have to take responsibility for your actions." That is part of growing up and developing and becoming a decent member of the community. You take responsibility for your actions. (Youth Justice Manager 1)

For some, though not all it was also about supporting the young person to change, some saw that as part of the restorative process though others, even when questioned did not consider this as part of a restorative agenda:

We are giving the young person a chance to look at what has happened. If we feel an intervention is necessary we are giving them again the chance to choose to engage with that intervention. Rather than, ... enforcing that intervention. So that's restorative. And again, you know, if the victim wishes to, and the young person agrees to any reparation in some way for the victim, or face to face meeting, that is voluntaryso it's much more likely to be genuine. And genuinely something they are happy to do and likely to do. So it's much more restorative in that respect. ... It places a lot of responsibility on the young person in the way that a court order enforces it. It places responsibility on them. An expectation for them to take on that responsibility. And I think that's very restorative. Offering young people whatever support they need to make some changes and get their life back on track really as quickly as possible. In

a way that again allows them to take responsibility rather than something being forced on them. (Youth Justice Worker 17)

In almost all cases both when talking about the ethos and the practice of restorative justice workers focused on the victim and failed to recognise that true restorative justice needed to work to restore the offender back into the community. It needed to reintegrate them and support them to live pro-social lives. For this a few recognised that it is important to tackle labelling and bureau, because it often prevents the child getting a criminal record, can help enormously. Furthermore, some, though not many, recognised that real restorative justice requires an holistic and full circle approach:

... restorative approaches require us to see whether there is any way in which the harm done can be put right, in a way that reintegrates that young person into their community ... reintegrated and not labelled, not thought of as criminals. (Youth Justice Worker 5)

...it's two things really to me. One is to communicate to the victim the feelings of remorse and supporting the young person to turn their lives around. (Youth Justice Worker 24)

The focus on the restorative principles, and especially those so concentrated on the victim, is rather odd when in many areas at least half of the cases are 'victimless' such as possession of drugs. Therefore it was refreshing to discover that no-one considered RJ to be the only reason for the bureau.

4.2.2 Diversion Supported by Early and Correct Intervention

Diversion coupled with child-centred and child-appropriate interventions are key to the Swansea Bureau and similarly are at the heart of Bureau work in Dyfed-Powys.

It's partly diversion for those that were getting a record and shouldn't get it. But partly also a supportive element for those who needed help to turn their lives around, to change their behaviour. Intervention is essential, if we don't provide that input we will see offending by young people go up. ... the earlier we can get to young people if we are targeting the right people, the sooner we can address the issues that are leading them to offend. The better we do this the more effective it will be and the cost to the local community will be lower in lots of different ways. (Youth Justice Worker 5)

Whilst almost all considered diversion as positive they also argued that it was not always appropriate for all children in all circumstances.

Diversion is important but if it's right that they should be in the statutory system then obviously our ethos isn't to keep everybody out. It's to give the appropriate outcome and appropriate intervention for what has taken place. (Youth Justice Manager 3)

This clearly fits with the Westminster policy as it criminalises children from the age of 10 (unless it is acceptable to divert). It also fits with the expectations of the Welsh Government (Welsh Government and Youth Justice Board, Cymru, 2014) though it could be argued that it does not sit comfortably with the ideal of treating children who offend as children first and offenders second, especially for those under 14 (Williams, forthcoming). However, the number of children who were sent back to be charged was very small and generally those in the older category.

In many cases the bureau process was thought to be enough and they would probably never reoffend:

....the reality is that for a lot of these young people appearing in front of the panel is probably all they may need. (Youth Justice Manager 2)

Though pleased when the bureau process itself proved to be enough to alter behaviour all workers recognised that diversion alone might fail and that if nothing more were done offending would increase. There was a recognition that the adults had a responsibility to discover whether each child needed help to

alter their behaviour. To that end many considered assessment as essential so as to pinpoint the needs of the child and ensure that they got the support they needed in order to change their behaviour. In other research this has been recognised by children:

If you start working with kids from a young age, say about 9-10 years old. If you're tackling them from a young age then you're gonna be brought up with all that influence, then they're gonna come to a time when bad influence is coming to them and they're gonna think nah, that's not right, I shouldn't be doing that cause of what you've been taught. Siobhan, Midlands (User Voice, 2011: 14)

It was certainly something recognised by all those working with children in our area

... to give the kids opportunity to get a wider range of services and support. To give the kids more opportunity to access services. ... And to keep young people out of the court system. (Youth Justice Worker 24)

This supportive diversion is important to support the child to live a productive and law-abiding life so it is tied up with reducing risk of reoffending:

... by intervening now I am helping the young person. I am reducing risk. (Youth Justice Manager 4)

.... it gives us an opportunity to identify people we feel we need to work with. And the more we do of this. It's trying to identify those that need to have the work done. While being mindful of the fact that, just because you can, doesn't mean you should be working with. Because there is also a danger as well that, it's that idea that some of these children, no matter what you do, they won't do anything again. And actually working with them potentially can interfere and have the exact opposite effect. Which I don't think we often always think of. We like to think that doing things is a good thing. And actually for some kids, lots of them, actually stepping back and doing as little as possible is the best thing to do,. Rather than charging in and doing an assessment, put this in place, that in place. So I think that's a tension that sits within a lot of the work we do. (Youth Justice Worker 11)

However, it is not just about diversion and early intervention but about the right decision in every case, about making sure it fits the child.

.... it's about having the confidence to say to other agencies, actually this persons can have an out of court for this, and that is all we are going to do because children's services are working with them, they are doing this in school. We don't need to be the people that solve the problems for everyone else all the time. If there are other agencies involved the sanction can be enough. (Youth Justice Worker 11)

4.2.3 Risk

Many considered that risk assessment was very important to the best interests of the child:

Risk is very important. Whether or not it's about risk to other people or risk to the young person, in relation to vulnerability and obviously their risk of re-offending as well. (Youth Justice Manager 3)

There are a number of dangers in reliance on risk. Firstly, it has been associated with policies that tend to control and blame the child, to treat them as small adults and to punish and blame. Secondly, heavy reliance on risk has been suggested to be too rigid and formulaic (O'Mahony, 2009) and likely to miss some of the important elements needed to address the problems and challenges faced by the child.

4.2.4 Child at the Centre

Whilst not all articulated it from our interviews it was obvious that most professionals saw their working lives were about improving the lives of the children with whom they worked, improving their life chances and ensuring they obtain the support they need. Though few referred to the children first policy some did or they recognised that the child was at the centre of the Bureau.

I mean children and young people first offenders last is what we would always want to promote that message more than anything really. (Youth Justice Worker 8)

I am there for these kids. They end up in trouble with the law, but they are children first and foremost. I buy into that. I am sold on it. But there are victims. And to ignore the views and wishes of the victims, well that isn't justice. Marrying those two positions together is juggling. It's walking a tightrope sometimes. But it's right and proper to make the attempt. Otherwise it isn't justice. (Youth Justice Worker 2)

More placed supporting children's life-chances and teaching them pro-social habits as central:

But rather than criminalise them, it was to address their welfare needs as young people. And send them out the other side of the process, having been reformed with no blemish on their criminal record, so to speak. (Youth Justice Worker 16)

Diversion helped with this. Preserving the young person's life chances was one of the reasons that diversion is so important, it also helps the YJS to deliver on Welsh Government Policy:

... if they had applied for a child care course but had a criminal record for a minor offence such as stealing a Mars bar they were basically just being filtered out and told, "No, no place for you." So it clearly was having an impact on the future prospects of young people who had actually turned around and hadn't reoffended. ... you shouldn't treat DBS disclosures in that way it should be considered carefully in relation to what the offence actually is. But that clearly doesn't happen so we need to have a system that does not unnecessarily criminalise. (Welsh Government and Youth Justice Board, Cymru, 2014)

.... if a child is offending they are prejudicing their own future. So we believe we are acting in the best interests of the child to try to reduce the chances of them having criminal records and receiving constant police attention. (Youth Justice Worker 5)

Helping a child to stop offending is for the community but most important it is also for the child and their family:

.... people saw it as an opportunity to work with families and young people. To have the opportunity to assess and to work with them. (Youth Justice Worker 11)

I can think of young people that are quite able to engage. Are quite socially able, or academically relatively bright, but it tends to be their personal circumstances. So I am aware, we do have a group of young people like that, that struggle because of the other factors in their lives, rather than just their own issues. (Youth Justice Worker 11)

4.2.5 Listen to the Child

In order to ensure that the bureau and its interventions are effective and meaningful to the child it is therefore necessary to listen to the child and ensure his/her needs and grievances are considered, anything less will never heal the wounds or address harm and deliver security. Anything less would be unlikely to support the child to achieve their potential as they would be less likely to engage with the process. This participative environment is most likely to promote healing of social exclusion and its consequences but will be as time consuming and expensive as the authoritarian approach. This is the final part of the restorative approach and the one unfortunately missed or ignored by many of the professionals we interviewed. However some displayed a real understanding of the importance of these elements:

You need to listen to the child and find reasons that motivate them because change has to come from the individual. You can't force people to change. (Youth Justice Worker 5)

... in one or two cases we have had recently, where the child was willing to take responsibility but the parent wasn't. ... we were able to alert child protection resources to have a look at that. Because we felt that the parents weren't behaving appropriately and the children were asking for help. So it's another opportunity for young people to say "I need help." And there is support structure. (Youth Justice Manager 2)

A few, surprisingly few, talked about rapport with the child:

What we are seeking to do, why they come to the bureau, is to divert away from the courts. That is what we are seeking to do. But again it's still about rapport. We walk a tightrope in youth justice, do we not? One and the same time I wish to have a rapport. When people say you need to engage. That is what I am meant to do. I am meant to be good at engaging, the way a historian is good with facts and dates. It's what you do with the engagement that makes the difference. And I feel the bureau process, which is humanised. It may have its problem but it presents a human face of justice to the young person and their family. Where before the decision is made there is a fifteen to twenty minute dialogue with the young person and their family. And I feel the bureau helps me to engage with the young person if there is going to be an intervention afterwards. (Youth Justice Worker 2).

4.2.6 Supporting Parents to take Responsibility and Support their Children

There was a general acceptance that the bureau and any interventions which arose out of it should recognise the children within a family unit.

We try to involve the parents as much as possible. We can try to help them rationalise the impact of their offending for victims and their family. And talk that through with them and their parents. Often we are able to get the parents on board. I think there is a lot that happens in bureaus between the parents and the young person. When the parent is there there is often a sort of dynamic that is set up. The bureau supports good parenting and helps the parent understand what they should do and that is important. So it's a third independent party coming in and almost mediating to an extent between to the parent and the young person. ... it's like a different setting in which the young person and the parent are sitting so it just makes them both take it a bit more seriously. They come at it from a different angle so it gives them a different perspective on their relationship and how that might relate to what is going on with the young person's life. (Youth Justice Worker 5)

Often the parents might have started to resolve matters, or they want to do so but need help and support to act:

... having parents trying to take responsibility for their child's behaviour is important as well and we should support them to do that, if it is appropriate. (Youth Justice Manager 3)

Though at times there may be problems within the families and the bureau needs both to support the parents but also to protect the children.

... relationships are fraught things. Especially when a child has offended and maybe broken trust. We have had a lot of example where it's been against a parent. [At] bureau .. it was that conversation about, you know what led up to it and they have done wrong but are children. what you find a lot of is parents coming to bureau potentially saying, I am struggling, I need help. And they have actually got people to speak to who can put things into plans. We can help to facilitate open, frank discussion between parent and young person. Because at bureau we almost always ask, what impact do you think this has had on your Mother? What do you have to say to your son? So it's almost a restorative element. (Youth Justice Worker 13)

Key Findings

- Whilst each person had some idea of the ethos behind the Bureau there was no consistency either within or across areas in Dyfed Powys, some workers had very little understanding of why the Bureau had been introduced.
- Most mentioned restorative justice but had a fairly narrow view of that

Recommendation

- The ethos behind the Bureau system should be more clearly defined regionally and locally and be carefully disseminated to ensure that each person who works in youth justice is aware of why the Bureau is an important part of their service.
- There needs to be a recognition that restorative justice should not just be about offenders apologising to victims but also about communities supporting offenders and welcoming them back to a pro-social life-style.
- Restorative justice needs to rely less on blame and ensure that the attention to consequences is set at a child-appropriate level.

- Needs to be a greater and deeper embracing of the children first ethos of trying to prevent offending by using child-appropriate intervention leading to pro-social behaviour
- Also need to listen to the child

4.3 Training

We were interested to discover that despite the bureau being a very new process for the YJSs there was no formal staff training in any of the four regions. In some areas staff were included in the design of the system:

But then there has been a sort of smaller group of the key people that we have brought together from time to time and reviewed, how was it going? What were the numbers like? Do people feel overwhelmed? Have we got the right support in? Those types of things. And to be fair some of those closer knit meetings, involving the key stakeholders, have involved some senior police officers as well. Who have come along and quite openly made some commitment to make it work. (Youth Justice Manager 1)

In other areas and for other staff each YJS relied instead on briefings or what they called informal training: *And all staff had a presentation at the very start. With regards to the landscape of youth cautions changing. The bureau being introduced, everything. But there hasn't been any formal training so to speak.* (Youth Justice Worker 13)

For the workers it was pretty much DIY to be honest because we had never done it before. So there was no one to train us. There were discussions about the process and there were regional meetings to look at the paperwork and discuss the process. (Youth Justice Manager 4)

Other people were trained. So panel members were generally trained (not in all areas), usually by senior practitioners:

There was training for our panel members which was delivered by the senior practitioner. That training was well thought out and planned. (Youth Justice Manager 4)

In some areas the police officers had training, usually delivered by the seconded police officer accompanied by a Youth Justice worker.

... police officers had an internal briefing, a system briefing. Our seconded officer went round to all the shifts to speak to them. (Youth Justice Manager 3)

This was not an ideal situation and a number of workers in some areas regretted that there had not been more training and/or guidance. They felt that merely learning it on the job was not sufficient. Lessons might be learnt from this, firstly in training new staff as they arrive and secondly in informing other agencies about the bureau, what it does, why it is important and whether it is effective.

I would have liked to have had some training yes. I think it would have been beneficial. (Police Officer 25)

Whilst there is not much evidence from officers in our research, from wider discussions it has become clear that knowledge about the Bureau system and its aims needs to be spread more widely. This also arises out of section 5.2 below (police processes).

Key Findings

- Training was inadequate, in many cases no formal training had been received by staff though some were involved in the design of the system and others had received brief introductions in meetings etc.
- Police training relating to Bureau has been focused into roles such as custody sergeants.

Recommendation

- Present staff need to understand the ethos behind the Bureau to better understand how to make their decisions.
- Staff need to take confidence in placing the child at the centre, ensuring child-appropriate interventions particularly in relation to understanding responsibility and the victim focused aspect of restorative justice.
- Training for new staff needs to be devised.
- Police training relating to the Bureau should be rolled out to all officers and PCSOs.

4.4 Partnership and Other Agencies

The partnership between the police and the Youth Justice Service both across the region and in each of the counties is pivotal to the effective working of the bureau, this was repeated time and again. It is important that the partnership is very strong and built on trust from both sides. The personalities on each side are significant and their willingness to connect with and trust their counterparts is essential. The bureau only emerged due to the strong partnership between the police and the YJSs in the area. This partnership would not work were it not for the seconded police officers. These are full-time police officers who are seconded to work with Youth Justice on a permanent basis, as will be seen below they are essential to the smooth running of the bureau and to ensuring that the relationship between the police and youth justice is efficient and effective.

I think because we have got a seconded police officer here who is an experienced officer [he/she] has been really critical, in terms of this being a partnership between us and the police. the only person who can give a youth caution in [county] is our seconded police officer. So were anything to happen to him, were he to be ill or on leave, you potentially have got a system which could grind to a halt. police ... [need to] build in contingencies. We can't have a system that is based on one officer. It's just too risky because it could grind to a halt at any time. (Youth Justice Manager 1)

The fragility of the bureau, based as it is on one seconded police officer in each YJS, was recognised by others. In each of the four areas there has, until recently, only been one officer with the expertise and understanding to conduct this role as most seconded officers have been in that role for some time and only vacate it on retirement. In the last few months some areas have been correcting this situation by allowing officers to shadow the seconded officer for short periods, permitting them to learn the role. This has happened when the seconded officer is about to retire. Where it has occurred it has permitted a sharing of skills and a broadening of the understanding of the role played by the YJS. It seems a good model, certainly when a change in seconded officer takes place, because it permits the YJS to have some input into the decision. However, it would be sensible to use this model more widely, to increase understanding and awareness of the role of the YJS and to better embed the partnership. Rolling it out more broadly across the Dyfed-Powys police service with each area having at least one shadow seconded officer for a period each year would achieve this and also ensure police back-up when the seconded officer is not available for bureau (vacation or illness).

The bureau does not only rely on the seconded officer, it also requires more senior local officers to work with YJSs from time to time, to discuss problematic cases and this has been rendered more problematic due to recent changes in personnel:

When you have changes of personnel especially like the immense changes in the police recently it makes real partnership hard because people keep moving. (Youth Justice Manager 2)

Key Findings

- Training of staff was inadequate
- Training of other agencies was inadequate, indeed some had not even been fully informed about Bureau.

- Permitting more police officers to experience secondment (even of only a few weeks) with youth justice permitted a sharing of skills and a broadening of the understanding of each other's roles.

Recommendation

- Present staff need to understand the ethos behind the Bureau to better understand how to make their decisions.
- Training for new staff needs to be devised and information better disseminated to other agencies.
- The police should routinely place officers on secondment with youth justice to enhance partnership working to resolve youth justice.

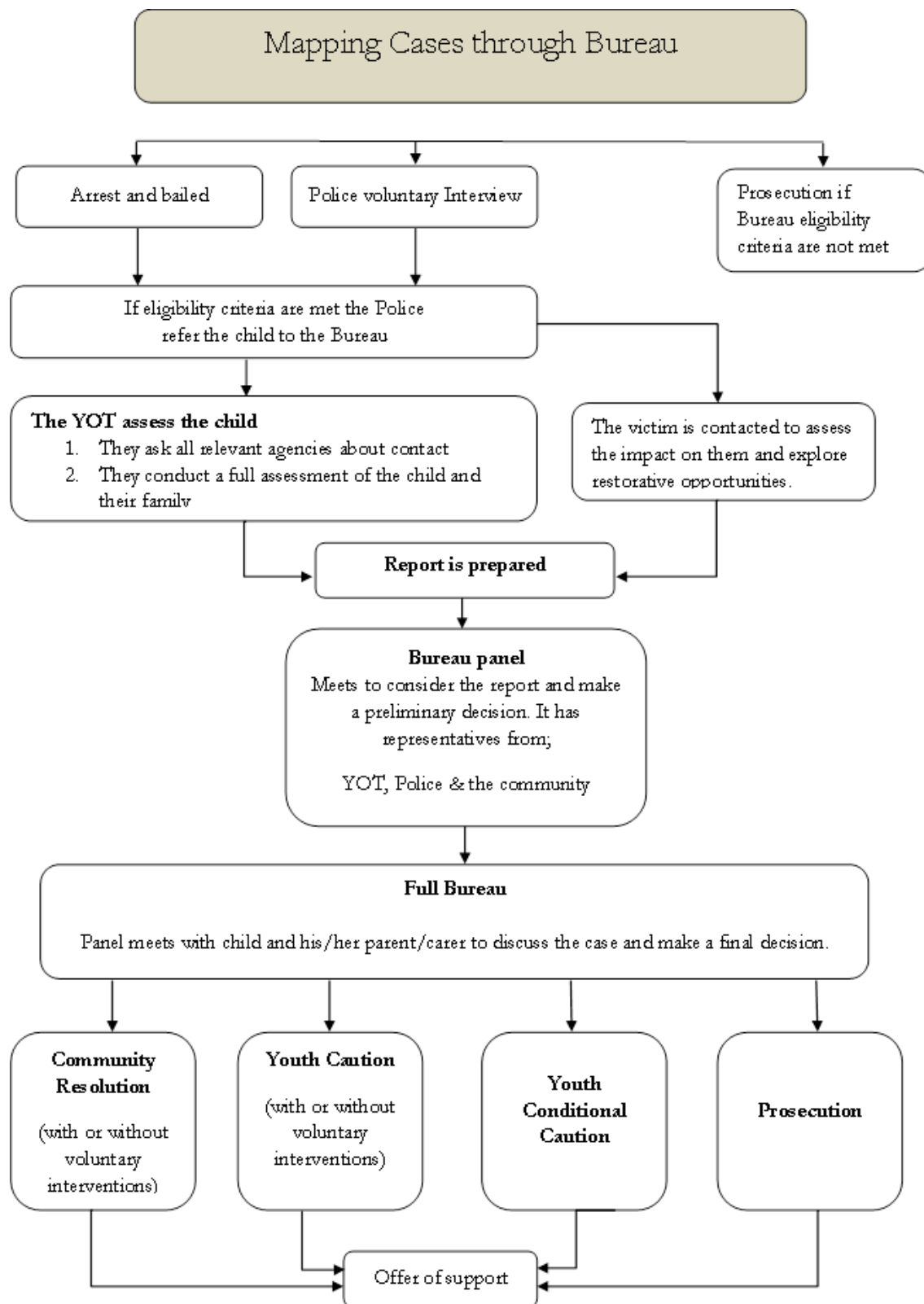
5. The Bureau Process

We get the information from the police officers. They pass the information to the managers to allocate for assessment. ... I then go out and do my assessment and come back. I put the assessment on [the data system]. I write the report up. The report is then data checked by my line manager. ... The report is then given to the people who are attending the bureau. The bureau takes place usually a week to ten days after I have gone out and done the initial assessment. If there is any work that is agreed for the young person to undertake it's then allocated, sometimes back to me providing that for the young person. The work is then done. There is an end assessment done to record what work we have done, how they engage, what the outcome was. And then it's closed. (Youth Justice Worker 14)

*I got taken to the police station. I got interviewed and asked loads of questions. Then youth justice system came to my house. Spoke to me. Didn't really bollock me. Then I got a community service thing down at ***, then they gave me a job. (Gruffudd)*

When children come into conflict with the law as long as their offending is not very serious (gravity score of 1 or 2, sometimes even 3) the police can divert them out of the official system by informing the YJS about the problem. At this point the police should inform the child and their parent/carer of the decision and bail them until the Bureau hearing. The police should then transfer all relevant information to the YJS within 1 or 2 days though it can be delayed if the investigation takes longer. The YJS then:

- collects together all information about the child known to them and other agencies such as the police, social services, schools and the Local Education Authority;
- contacts and visits the child and their parents, they generally conduct an Asset risk assessment (O'Mahony, 2009) and talk to the child and the parents/carers about what has happened and what they think should be done. They discuss the child's life more generally and discover how they or other agencies may be able to support the child to develop in a positive and more social way; and
- if there is a victim an appropriately trained youth justice worker contacts them to discuss the case with him or her. This permits the victim to explain how the offence has affected them and express his or her views about actions that might be taken to repair the harm; they may work towards a restorative conference, an apology or even reparation or compensation. Whilst the views of the victim are important and are made available to the decision-making panel the victim does not actively participate in deciding how to resolve the case.



The YJ worker writes a report concerning what needs to be done to tackle the underlying causes of the behaviour and how best to promote pro-social behaviour. They may suggest a number of packages some offered to the young person (by the YJS or other partners) to help them alter their behaviour (this may include restorative ideas) others to support the young person to achieve their entitlements. If no action is necessary there may be no interventions. The solution is intended to be multi-agency.

We are one agency who are trying to divert young people away from crime. But if you look at the bigger picture. You have got the youth service. You have got child and adolescent mental health service, you have got the education service. There are a lot of children services. Fire service, the police have got their part to play. If you look wider than just us, we need to tap into all those other agencies who could be providing diversion. So if it is the youth service, and they need to pick up a young person, in terms of having them involved in a hobby or whatever. ... provide a service for emotional health and physical health for young people. So you know, there are issues and anxieties that are not classed as mental health, we can refer to the youth health team then. So they have got primary healthcare nurses in there. Sexual health you may have an issue with. We have got routes in there. You may have issues where young people and sexualisation, exploitation, again we have referred to that service then. And you know explained it at bureau. Because the plan is there. ... In the main I think we have got a lot of people on board who can assist with young people. (Youth Justice Worker 13)

All of these should be delivered in a non-stigmatising and supportive environment. This report is considered by a panel, which should meet within 28 days of the offence. The panel generally consists of one lay person, one senior youth justice worker and one police officer (usually the officer seconded to the YJS) who make a provisional decision on an outcome (just two can sit to make decisions). The panel then meet with the child and his/her parent/carer in a full Bureau hearing. This is intended to be a restorative meeting (Braithwaite and Mugford, 1994) giving the child the opportunity to discuss the matter directly with the decision-makers. This meeting is informal and inclusive. At the meeting the panel is often made aware of ways in which the family may have already dealt with the unacceptable behaviour, the parents may already have punished the child. At the end of that meeting the panel consider whether the provisional decision should be reviewed, they come to a decision. They inform the child and his/her parent/carer of their decision, the reasons for the decision, what support is offered and why it might help and what the decision and the package of support might mean for the child. The outcome often includes interventions for the child, unless it is a conditional caution these interventions are voluntary. The panel explains how the interventions might be beneficial to the child and why they should participate. It should also ask the child whether there are any other interventions that might be supportive. The panel should then ensure that the child and his/her parent/carer understand why the child's action was wrong, how it harmed others or might have harmed others, or the child themselves. Where relevant they also offer support to help the child and their parents/carers to avoid such unacceptable behaviour in the future and to allow the child to reach their potential.

Where there is no criminal record the most common decision is a community resolution (this is a non-criminal disposal). However, the panel can also use a caution or a conditional caution (cautions are officially recorded on the police databases and may detrimentally affect the child's life choices in the future). The panel can also decide that the case should not have come to panel and send it back to the police to decide whether to press charges and take the child to court.

The next sections will consider some aspects of this process, generally those where there may be a suggestion for improvement.

5.1 Background Information about Dyfed-Powys Bureaus

Drawing upon information provided by each of the YJSs this section provides some quantitative information relating to the Bureau. The information relates to the Bureau cases held from their initial introduction up to the beginning of May 2015. This information is supplemented by additional information

provided by Dyfed Powys Police utilising their internal Police Custody and Crime Recording systems (LCS 2010).

Since their launch across the four counties within the policing area of Dyfed Powys Police there have been a total of 447 Bureaus held (up until May 2015). Following the initiated pilot in Powys which commenced during January 2014 each Local Authority area introduced the Bureau system during the summer months of 2014 (the date varied). Alongside the total number of Bureaus held to date the table below provides a like for like comparison over the 6 month period of October 2014 to March 2015 (Q3 & Q4 2014/15). However, this comparison does not take account of the varying levels of population within each area, level of offending and the subsequent number of children being referred into the Bureau process within each Local Authority area.

| No of Bureaus held per Local Authority Area | Oct 14 - Mar 15 (Q3 & Q4) | To date (May 2015) |
|--|--|-------------------------------|
| Carmarthenshire | 78 | 113 |
| Ceredigion | 35 | 58 |
| Pembrokeshire | 64 | 93 |
| Powys | 78 | 183 |
| Dyfed Powys Police Area | 255 | 447 |

Table 3: Number of Bureaus held per Local Authority area

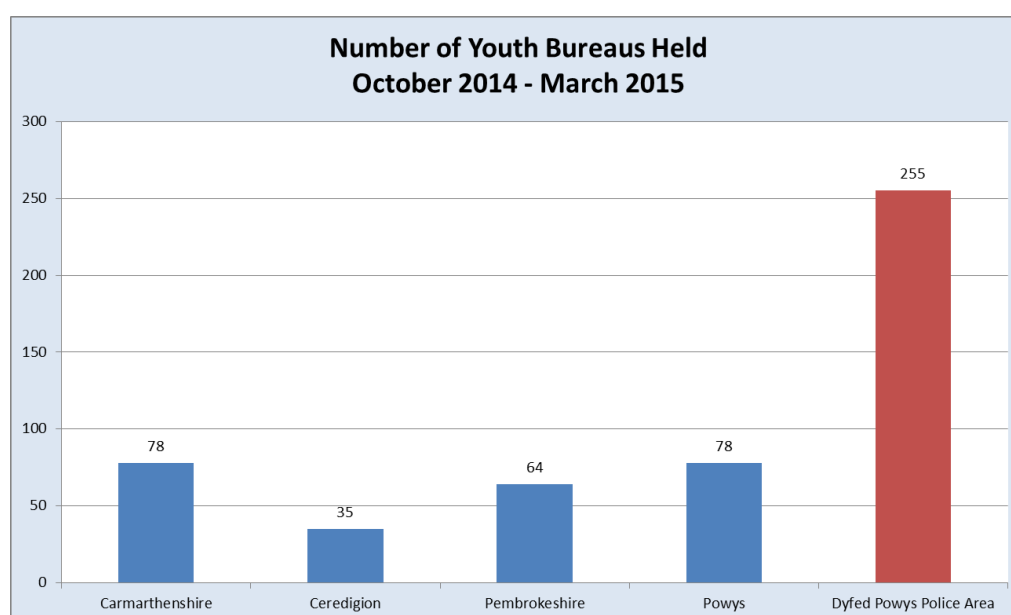


Figure 1: Number of Youth Bureaus Held

Bureaus are generally held on a weekly basis in every Local Authority area and from the above data it can be calculated that on average approximately 9 or 10 Bureaus were held every week between October 2014 and March 2015. The actual numbers held fluctuates based on referrals received.

From the data records, in the form of spreadsheets, provided by each of the YJSs an aggregation of the data was extracted. In order to provide a summary of the Bureaus held and those dealt with through the process this aggregated data is displayed in the following figures and tables.

As highlighted below there is an increased level of referral to Bureau in line with the age of the child. 71% of Bureau cases are for children aged 15 and over with 29% of Bureaus dealing with those aged 17 and at the cusp of adulthood. The age breakdown is generally consistent across each of the local authority areas.

| | Age of child at Bureau | | | | | | | | | |
|--------|-------------------------|-------|-----------------|-------|------------|-------|---------------|-------|-------|-------|
| | Dyfed Powys Police Area | | Carmarthenshire | | Ceredigion | | Pembrokeshire | | Powys | |
| Age 10 | 0 | 0.0% | 0 | 0.0% | 0 | 0.0% | 0 | 0.0% | 0 | 0.0% |
| Age 11 | 5 | 1.7% | 2 | 1.8% | 0 | 0.0% | 0 | 0.0% | 3 | 3.8% |
| Age 12 | 8 | 2.8% | 3 | 2.7% | 1 | 2.9% | 1 | 1.6% | 3 | 3.8% |
| Age 13 | 16 | 5.5% | 3 | 2.7% | 7 | 20.0% | 3 | 4.7% | 3 | 3.8% |
| Age 14 | 55 | 19.0% | 22 | 19.5% | 6 | 17.1% | 9 | 14.1% | 18 | 23.1% |
| Age 15 | 59 | 20.3% | 19 | 16.8% | 6 | 17.1% | 21 | 32.8% | 13 | 16.7% |
| Age 16 | 62 | 21.4% | 27 | 23.9% | 8 | 22.9% | 12 | 18.8% | 15 | 19.2% |
| Age 17 | 85 | 29.3% | 37 | 32.7% | 7 | 20.0% | 18 | 28.1% | 23 | 29.5% |

Table 4: Age of child at Bureau

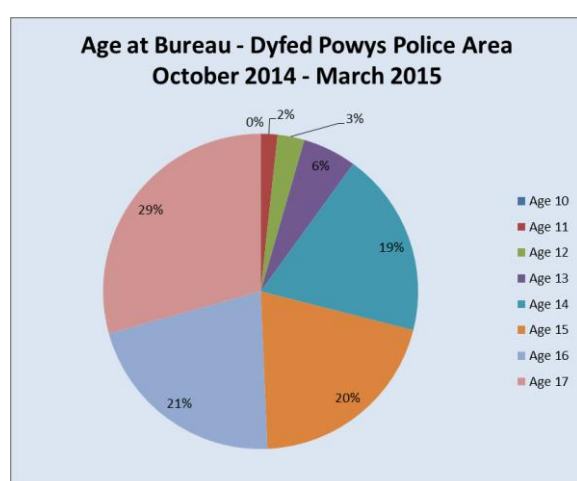


Figure 2: Age at Bureau

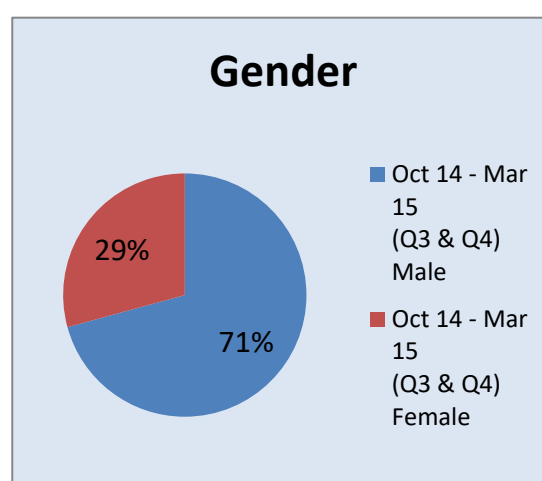


Figure 3: Gender of child at Bureau

The above figure highlighting the gender breakdown shows a percentage of 71% boys and 29% girls being dealt with through the Bureau. This level is consistent with the different Local Authority areas although Carmarthenshire is the exception with a 66% male and 44% female split indicating a slightly higher prevalence of referral of girls in Carmarthenshire. The research found no specific reason for this difference.

5.2 The Police Processes

The introduction of Bureaus represents a large change to police practices because previously all charging (or reprimand and final warning) decisions and delivery were conducted in police stations. The decision to use these outcomes was made by a police officer, usually acting alone but sometimes following a conversation with the Crown Prosecution Service. Now that work has been moved to the YJS and the police only input to the decision, it is not theirs alone. This has been a big change for police officers, a cultural change in moving from a justice and control based system to one which embraces restorative and supportive elements. But also, and possibly more impressive, a cultural change in relinquishing control over how to deal with those who offend and passing it not to a court but to a body they can influence but not control. The new system asks more of the police who are asked to work in very close partnership and to trust the decision-making of others. This is only possible because of the close relationship of trust and respect which has built between these agencies over more than 10 years. The argument is that the police input is still strong but it is enhanced by information held by the YJS and other agencies.

I think effectively what we have done is shifted a big chunk of work out of the police station and into the YOT. Previously first cautions were police only decisions. And I think the police would accept that they haven't got the

ability at the police station to check with children's services to see whether this kid is on the child protection register, or whether they are known to children's services. They can't check with schools to see what their attendance is like. So they were giving the first caution based purely on the offence. And obviously there would have been kids who have gone through their first caution who probably need more intervention than a caution. ... I think we are better placed. The Bureau approach is a partnership approach with the police. (Youth Justice Manager 1)

The police have decisions to make at a number of points. Firstly, if a young person admits an offence to an officer on the street that officer may choose to deliver a Youth Restorative Disposal (see 5.2.1 below). Where that does not happen the child may be arrested and taken to the police station or a voluntary interview may be arranged. The figure below displays the number of children, aged between 10-17 that have been processed through the Dyfed Powys Police Custody System during recent years. It is apparent that this number has reduced considerably in line with a recent reduction in recorded offences as well as an increased use of mobile data terminals that has in-turn influenced an increased number of voluntary interviews both at the station and the home address.

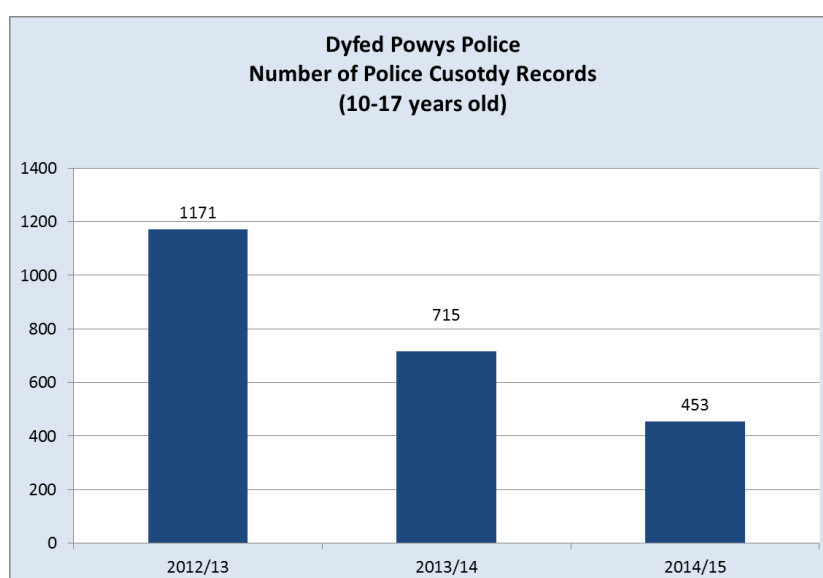


Figure 4: Number of Police Custody Records

If the offence is serious or the child has offended on many occasions the police may choose to charge and send the case to court (see 5.2.2 below). Finally, if the child admits the offence and there is both sufficient evidence to charge and a reasonable prospect of a conviction then police can consider a caution and send the case to the Bureau (see 5.2.3 below).

5.2.1 Youth Restorative Disposals (YRDs)

YRDs were introduced in 2008 (Home Office, 2008: 21). They permit a police officer to deal with a child 'on the street' where a 'low-level' crime or act of anti-social behaviour has been performed. YRDs are recorded on the local police area systems and each young person can only receive one. They are intended to include an apology so are considered restorative. Since 2008 YRDs have been heavily used in most police areas, including Dyfed-Powys, as they permit officers discretion in how to respond to an incident, they are recorded on police systems so act as a clear-up and if used appropriately they can both help the child to avoid a criminal record and permit the victim to receive an apology. The action often follows very soon after the crime or anti-social behaviour so that it is seen as a fair and proportionate way of dealing with low-level offending. Furthermore, it permits officers to take into account local pressures and to consider the impact of the action (or any criminal justice sanction) within their community. Officers can interact with the offenders on a more personal level and build trust by being seen to act fairly and

proportionately. However, it depends on the decision of a single officer so the decision-making may be seen as lacking in consistency.

They [the police] have a job quality assuring YRDs because they are things that go on out in the street so they don't really have a handle on how consistently YRDs are applied. (Youth Justice Manager 1)

Some might argue the lack of consistency is a positive because it shows an awareness of the varying needs of different areas.

... the police in rural areas have to operate in a more independent way and probably need to keep using YRDs. That just makes complete sense to deal with it there and then, in that community setting. (Youth Justice Worker 5)

When the Bureau was introduced some areas understood that YRDs would no longer be used whereas others positively encouraged the continued use of YRDs.

In principal YRDs should stop and those cases should go through the Bureau because otherwise they contradict the consistency of approach and decision making. I do believe in those things. And I do think the Bureau should try and capture all of that work as well. (Youth Justice Manager 4)

At the very beginning we said we weren't going to put YRDs through because we didn't think we were going to have the capacity to do it. So they would leave YRDs. But I think that YRDs are being sent to Bureau by stealth because since the Bureau has come in YRDs have gone down dramatically. I don't know whether or not police officers are sending it straight through because it means that they then don't have to do anything. Because all they are doing is sending through to us. Whereas if they were doing the YRD stuff they could have things to do themselves. And whether or not we are then bringing more young people to our attention and being assessed, that wouldn't have got assessed previously. Are too many coming through at too low a level? We could then intervene earlier but I am not sure that is right, it may be too early and we may be getting the balance wrong. (Youth Justice Manager 3)

One of the YJSs which chose not to ask for the YRDs to be sent through to their Bureaus, because they were concerned they would not be able to cope with the numbers, has since noted that YRDs may not be a good idea. A few others agreed that YRDs should cease.

I don't think there is much merit in YRDs. The amount of restorative training that those police officers have had, I think they have had half a days training! And if senior officers are thinking that they can't quality control those interventions. They have got no handle on them at all. They just know the number. I think it's dodgy practice, you know? (Youth Justice Manager 1)

However, most, even some who originally wanted all YRDs to stop, can see there is merit in them:

YRDs are good. If it's a small matter that can be dealt with there and then. The victim and the young person is there, and everybody's in agreement and understanding what is happening, yes I think it's probably a good way to deal with a smaller matter that has just happened. And deal with it immediately. (Community Bureau Panel Member 2)

Personally I think the YRDs are good. Because it keeps them out of the system. And if you think it's a genuine one off and I am not going to see this kid again, why do you have to put kids through? (Police Officer 12)

However, there was some agreement that if YRDs were to remain there needed to be some changes in their use.

Sometimes, in the last year, there has been totally appropriate use of YRDs. So for example, a minor shoplift offence was dealt with by the officer on ground, there and then, and apology was made. ... Which is exactly how it should be. And totally appropriate as there was no previous offending but the officer did not talk to us to check the young person did not have a record, they should always do that. they need to talk to us ... or at least check the STORM, the data system, to see whether there is a request for police assistance - basically we are interested in this person and please contact us if you arrest or you come into contact with them. I think it's very important that the

officer involved contact our seconded police officer to check that the person they are dealing with hasn't actually got a record. And that doesn't happen. That has led to people being given YRDs that are actively involved with the Bureau, already referred to the Bureau. ... That is not acceptable. (Youth Justice Worker 5)

... the YRD was sometimes delivered well after the offence date, so we couldn't understand how it would possibly follow the agreed YRD process. (Youth Justice Worker 5)

Whilst many saw the benefit of YRDs and supported their retention some also suggested that officers might be encouraged to refer the child to their preventions team. In some cases this was already being done.

If I use a YRD I could still refer that young person through the youth offending team as a prevention. Which is good really because you are still doing the work with that young person. (Police Officer 12)

If one was to prevent net-widening then if YRDs were removed there would need to be other changes. At the moment a child can be given one YRD before being sent to the Bureau where they might be given a community resolution. If YRDs are removed then because they can only receive one Community Resolution in any 12 month period if there is a second incident they will automatically be moved up to a caution and thereby receive a criminal record. This goes counter to the ethos behind the Bureau as it would move children more quickly into receiving an outcome which is recorded on the PNC. This has since been altered.

If we get rid of YRDs then we may be pulling young people into the process at a more official level than would have happened before which runs contrary to my discussion about trying to keep it at the lowest level and decriminalising them. It is a problem, you could be labelling when you don't need to label. But again, you are still doing an out of court disposal. So it's that thing about having the opportunity to spot things earlier on and provide an intervention. I would solve it by allowing multiple community resolutions and getting rid of YRDs, so have one process, consistency. (Youth Justice Manager 4)

Furthermore, to get rid of YRDs would interfere with the ability of community officers to make decisions to benefit both the child and the wider community. Greater thought needs to go into the decision about whether to remove YRDs. On balance it seemed that YRDs should continue to be used though maybe care needs to be taken to prevent their being used in an unacceptable manner. Whilst this research has not been about YRDs it seems that a number of workers felt that either officers might receive more training about their use or their use might be quality assured, possibly through peer review, officers discussing it amongst themselves and learning from each other.



Figure 5: Number of YRDs issued in the Dyfed Powys Police area

The number of YRDs issued by the Police during 2014/15 (as above) was 232. This figure has reduced over the last two years, a reduction of 16% compared to the levels recorded in 2013/14 and 21% compared to those in 2012/13. However, this analysis must be considered in context of a continuing reducing level of recorded offences. When YRDs are considered alongside all other outcomes for those aged 10-17 it can be seen that the proportion of those who receive a YRD has increased year on year since 2012/13.

The figure below highlights the proportion of total recorded outcomes issued to 10-17 year olds as a proportion of all outcomes and shows how YRDs now account for 19% of disposals recorded within the Dyfed Powys Police area. This is an increase (from 15% in 2012/13 to 18% in 2013/14 and now 19% in 2014/15).

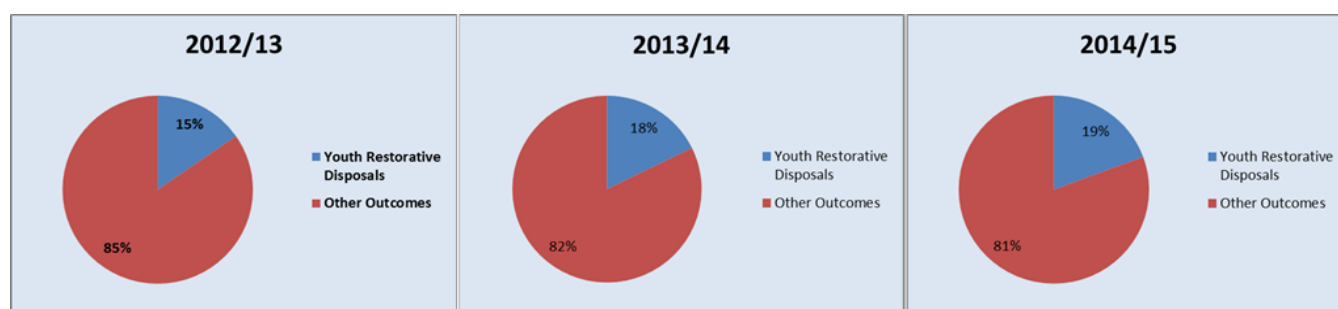


Figure 6: Proportion of YRDs issued

The use of YRDs as outlined earlier are restricted to low level offences and the figure below provides an overview of the types of offences YRDs have been issued for. In the main they are used for low level criminal damage, violent crime and theft offences but have also been used for Public Order and Drugs offences.

There are now Adult Restorative Disposals (ARDs) so to remove or stop using YRDs would be moving against the present trend of trusting individual professional officers when the offence is very low level.

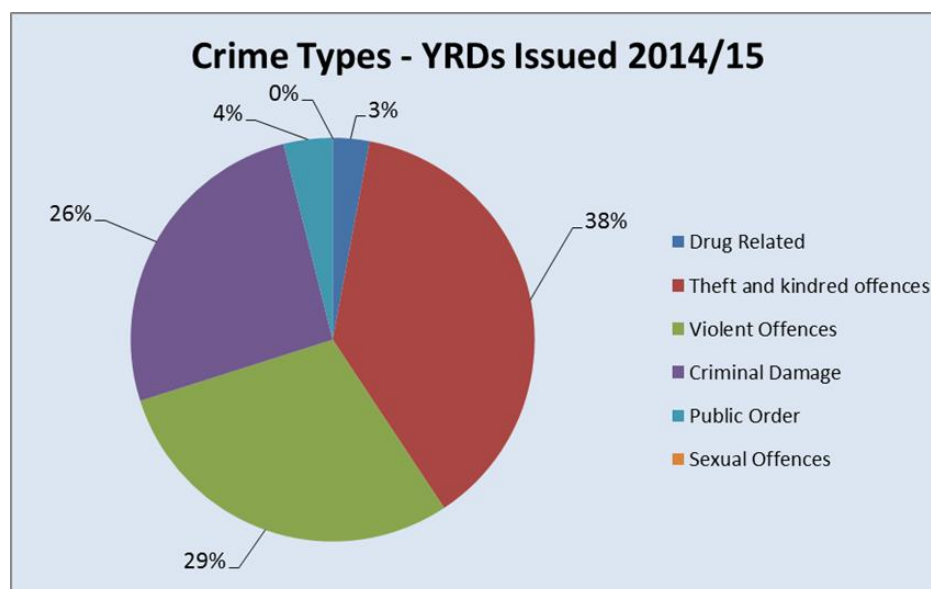


Figure 7: Crime types of YRDs issued in 2014/15

Key Findings

- The number of YRDs issued is reducing but they still account for a larger proportion of all outcomes used for 10-17 year olds.
- A few within the Youth Justice Service advocate for YRDs to be stopped and referred to the Bureau process although most feel that they have a place in the wider toolkit available for dealing with children.
- Some workers were nervous about what they thought was inconsistent and/or inappropriate use of YRDs.

Recommendation

- YRDs can be seen as a strong community based restorative approach and should be maintained and promoted further as a diversionary method of disposal.
- The issuing of a YRD should be accompanied with a check to see if the young person is known to other services.
- When issuing a YRD officers should consider referring the child to the Youth Justice preventions team.
- To improve consistency of YRD use either officers might receive more training or their use might be quality assured, possibly through peer review, officers discussing it amongst themselves and learning from each other.

5.2.2 Decision to Charge

Most would agree that there is a level of seriousness above which they would not expect to get involved.

... for a serious offence the threshold is met and you would have expected to go straight to court, without a discussion with us. In those cases no discussion is necessary. (Youth Justice Manager 4)

However, in many cases youth justice managers and senior practitioners tended to consider that the police should discuss decisions to charge with them if only to ensure that those decisions were made in light of all available information about the young person. They felt that YJSs should be included in the decision to charge:

... because we have information that the police don't have - we have tools, accredited tools that can predict risk which the police don't have and aren't trained to use. the police need to have input in some cases. There was a classic one with a young person sitting on a wall with a chisel, who had learning difficulties. And certainly didn't intend to frighten people. Although it did end up frightening people. But there they were rushing to move it straight to court without considering the learning difficulties. Through good work by our seconded officer in tracking what is going on in relation to young people locally we found out about that case and managed to get it sent to Bureau. In that case because of our proactive work we got a say in the charging, so the police trust us but do not always talk to us. But it ought to not need that proactive element, it should not depend on our personal relationships. There should be a proper process not chance and informal relationships. (Youth Justice Worker 5)

.... it would be better if we were involved from the start in the decision making. ... That would be great. Because sometimes we know things that they don't and vice versa. (Youth Justice Worker 24)

At the moment, involvement is left to chance and often depends on personal relationships not on good processes and systems; that does not deliver good justice. Though in one area they were confident that they were consulted in all borderline cases.

To be honest since the bureau has come in that's what the whole process is now. No sergeant will make that decision without throwing it, without speaking to me. If it's somebody who is borderline, and we know straight away. We don't even need them to come through bureau because they have already had x amount of intervention. They have already done this. Their engagement is really poor. They have finished an order, say in July, and they have committed and offence in October, you know. But if it's low level, on that instance the officer would contact me to say, look I

have had so and so in for interview, they have admitted it. Would you look at them for bureau? I would speak to [YJW], and she would obviously interrogate their system. (Police Officer 25)

Where there is an error of judgement resulting in a serious case being sent to Bureau the YJS can always contact the police.

... we thought somebody was maybe too serious an offence, and it's come to me, and I have said, oh I think that really needs to go before magistrates to seek their views. It can be pushed back to bureau if, you know? We call a meeting with the officer in the case and inspector and unpicked it. Then they could explain their thinking why they proceeded with the particular young person through bureau. Which was making smoke bombs and weapons and thing to me I would expect to proceed straight to court. And I was like, this is just not bureau. But when they unpicked it and explained it to me I kind of understood where they were coming from. But until you actually have that sit down talk with senior officers it's hard to gage sometimes. (Youth Justice Worker 26)

However, where a case has not been referred to Bureau there is no automatic consultation as to whether to charge and this can cause problems:

Because we have got a couple of young people who have gone to court. They have then been sent back. And we would have wanted to give them a conditional caution because of the seriousness of the offence. But we then haven't been able to do all that because of the time limit. Because the conditional caution time limit is different to everything else. (Youth Justice Manager 3)

A number of professionals thought of always including the YJS in decisions to charge however this might not always be possible.

...in terms of indictable offences there is nobody but ourselves and crown prosecution service that can make a charging decision. But in relation to other offences, yes the youth offending team could and should be involved in making charging decisions. So if somebody is dealt with through the bureau process, then perhaps potentially had a caution, youth caution, then the suggestion is that these things aren't working, the youth offending team can make the decision that this person can go to court and go to be charged. Absolutely. In non-indictable cases arguably the police CPS and YOT should all be involved but practically it is not always possible. You may have an offence, let's say a rape, has occurred in an evening. The next available court is in the morning. Actually the logistics of getting the youth offending team involved before a charging decision and that person appearing before the court may not be possible. And if it was it might actually result in the individual remaining in police custody for another twenty-four hours to go before the next available court because we have missed the slot for the first available court. So practical difficulties, but from a strategic perspective I would have to agree with what you have just said. And we need to make the system such that that can happen. But that might mean for example having on call YOT people to discuss cases with in those rare cases where what I have just outlined might occur. (Police Officer 28)

Not all managers want to be included in the discussion about whether to charge, one manager said:

.... there was a conversation about, perhaps all young people should be referred to us, and so the police wouldn't make any charging decisions. I chose not to get involved in charging decisions. I could see us having conversations with CPS about charging advice. And I thought, no I don't; want to go there at this stage. (Youth Justice Manager 1)

Key Findings

- YJSs are not generally consulted about decisions to charge nor do the police routinely ask them for information they may have about a young person, especially when the offence is serious.
- A number of YJSs would like to be consulted and/or have the opportunity to contribute information.

Recommendations

- Police and YJS partners should discuss setting up systems which set out basic expectations in decisions to charge to ensure that when such decisions were made the decision-makers at least had all the available information in front of them.

5.2.3 Early Contact with the Police

No child can enter the Bureau without first going through the hands of the police. When a child offends they are either arrested and questioned at the police station (entered on the PNC) or they are asked to participate in an arranged interview (not entered on the PNC). An interview is necessary to discover whether or not the child is responsible for the offense. Most officers (we only interviewed seconded officers or those temporarily seconded to the YJS) said they preferred to organise an arranged interview so that the child would not be entered onto the PNC.

.... if they are officially arrested ... then they would be on the PNC. Whereas if they are voluntarily interviewed they don't appear on the PNC, which for youth is far better I think. Because obviously if they want to travel in the future it doesn't affect their Visa applications to places like Australia and America. So it's a huge impact on their life.... I personally would voluntary interview. That is my personal choice as an officer on most occasions really. (Police Officer 7)

Generally the children were happier when the interview was arranged. The children were very nervous, if not frightened by these arranged interviews but they led to more positive memories of their contact with the police than for those who were arrested.

We rang up and we went into the police station. I wasn't like taken in. (Peter)

*Steve - I had to go back to the police station and meet PC **.*

Q - Did you feel nervous in that interview, or relaxed?

Steve - At first I felt nervous, because I had only just got there. And then I told him what I did and stuff. But once he started talking to me it was fine. Like it was really relaxed. So I wasn't really nervous then.

When the children were arrested the experiences were far more negative. Whilst the police did not choose to hold the children for extended periods that is what happened whilst the police waited for parents/carers to arrive. In all three cases where the children were arrested and needed to wait for any length of time they were held in police cells designed for adults

Catrin - Well I sat ten hours in the station in a cell.... They left the doors open and whatever.

Q - Do you think they needed to put you in there?

Catrin - No.

Q - What was wrong with just a room somewhere?

Catrin - Don't know.

Q - Were you arrested?

Rhys - Yeah.

Q - Was your Father then called?

Rhys - Yeah. they put me into cell and said three hours maximum. I was in there for ten hours. ... Over ten hours. ... we had to wait for someone to come, our guardian to come.

These children were clearly still upset by the ordeal, it tended to colour their view of the police even if the police were actually quite friendly while they were being detained.

Other issues also led to negative views of the police. The problems arose from various issues but the worst was a case where the child was badly treated by an officer.

Q - How did the police come to see you?

Matt - First of all they came to school the next day. ... the police weren't very polite.

Q - In what way? ...

Matt - *They said that erm, he wasn't being calm, he was speaking to me like I was nothing, like I was in the minority. And it wasn't very acceptable to be honest. He was saying that I had caused a lot of shit. That was his exact words, to quote. He was saying that I shouldn't go round acting like the king. And basically making me feel like a little tiny ant in the world. And that wasn't very fair at all.*

Q - *And who else was there when he was speaking to you like that?*

Matt - *There was only [teacher from school] which is what deals with like squabbles in school.*

Q - *And did he say anything about the language the officer was using?*

Matt - *No. He didn't say a thing.*

We had a meeting. And we went in, went to reception, and they were like, oh okay, you go into [police station about 20 miles from child's home] on this date, which we already knew. So we drove all the way to [police station about 45 miles from child's home] just to get a date which we already knew, and drive back. (Catrin)

Key Findings

- The initial contact with the police can have a long-lasting impact on the perceptions and feelings children have of the police.
- It is evident that some children who have committed relatively low level crimes are being detained for extended periods of time.

Recommendations

- Unless a child is dangerous the police might explore ways in which officers could be persuaded to arrest in even fewer cases e.g. there might be a presumption that children should not be arrested and an officer might be required to explain why an arrest was necessary. This might focus their minds into considering an arranged interview in all cases involving children.
- Where a child is arrested a long way from home and the family have no transport it might be sensible to arrange transport for the parent/guardian so as to ensure as brief a stay in custody as possible.
- In cases committed in one part of Dyfed-Powys by a child living in another area the police might consider bailing them to return to their local station.

5.2.4 Cases which are Referred to Bureau

When a child admits the offence with a gravity score of 1 or 2, there is sufficient evidence to charge and a reasonable prospect of a conviction then police can send the case to the Bureau.

Well after my interview he said to me, if I tried lying and saying it wasn't me, they would probably take it to the criminal court. ... Because I admitted to it they took me to the youth justice team. Then if I didn't cooperate with them it would get passed back to the police. (Gruffudd)

Children can be sent to Bureau on more than one occasion.

Ivan - *I thought I was going into court. Not the bureau thing.*

Q - *Is that because of the bureau before?*

Ivan - *Yeah.*

Q - *So were you quite relieved not to be going to court?*

Ivan - *Yeah, I was a bit surprised yeah.*

The Bureau system expects the police to notify the YJS of all cases which are being referred to Bureau within one day of the arrest or the child admitting guilt at a voluntary interview (Ministry of Justice and YJB, 2013: 15). In some cases there are delays and these always cause problems.

sometimes it is way, way out of time. ... So for me it's difficult to go into that family and say, "Tell me about it." It was three months ago. (Youth Justice Worker 4).

The decision to send to Bureau is not always timely, it is too often delayed The gap between the original offence and the outcome – it was a lot, maybe even about fifty percent of cases were longer than three months and a significant number longer than six months, there were even some in excess of a year. It is important to intervene quickly so that these delays are a problem for the effectiveness of the Bureau. I would say that the evidence is there that we are not being informed in all cases when the young person first admits. We are being informed further down the line. This should not happen because the system is automated but it does not always work. Sometimes the switches on the system block us until there is a charge or someone is sent to Bureau. Furthermore, voluntary interviews do not appear on that system. (Youth Justice Worker 5)

What the police count as a reasonable delay and what youth justice consider to be a reasonable delay may be different.

We have had one, a burglary. Where three young people were involved and it appears that one was the ringleader, who basically peer pressured the others into doing it. ... So straight away the police sent him to court ... Whereas the other two are definitely bureau suitable cases. But we have had to wait and wait ... So I need to get this started because we have got a victim here who is sitting waiting around. With no input from anybody. ... These two youngsters, who by all accounts are remorseful, do want to make an apology. But until this other boy goes to court, these are all just sitting waiting. So we pushed that and pushed that. And they have come through to us. (Youth Justice Worker 4).

Delays are most likely to occur in more complicated and possibly more serious cases and, if this happens a conditional caution may not be possible so the choices would be a community resolution, a caution or sending the case to court, one may be thought to be insufficient and the other may lead to a conviction, either way there is injustice so the delays can lead to serious consequences.

We are supposed to report cases through to the bureau within a day. But you can only report things through within the day of us actually identifying that the individual is responsible and them having admitted that. If there is a delay some of the legislation for example that precludes us, the Bureau for example giving somebody a conditional caution within I think ..., three months or fourteen weeks of the commissions of the offence. ... Because you may not know who the offender is for that period of time. And therefore one of your disposal options, your hands are tied. (Police Officer 28)

In some cases there is also a problem with the paperwork, it is incomplete and the seconded officer needs to chase it up which can delay the case at the Bureau stage.

The quality of the information we receive from the police is below par actually. Often is just a couple of lines. Which tells you almost nothing about the offence you are going to be talking to the young person about. It's difficult to have a conversation with a young person about an offence if you yourself know extraordinary little about it. (Youth Justice Worker 2)

Every Bureau expressed surprise at some of the cases they were being sent, that the children had participated in more serious crimes than they had expected would be sent to Bureau. Generally they were taking a very intelligent approach, testing the case and conducting a full assessment before making any judgement or returning to the police to discuss the case:

.... it's something we have lots of discussions about because people do disagree about what should be an outcome for a person. And it's been quite difficult because cases that would previously have gone to court are now coming through the bureau. A lot of times we have all had reactions of, well is this right that this is coming to bureau? Should we really be dealing with this at this level? And having to stop and think, well hang on let's do the assessment. Let's stand back. Let's, you know, not have a knee jerk reaction to it really, which I think has been the case for some people. (Youth Justice Worker 17)

In a few cases the issues are even more fundamental:

We feel that the police are sending cases to Bureau when they have an admission but do not have enough evidence. Because it's easy to get an admission and you don't have to prove it. It saves work for some people, particularly in the court arena. And it is interesting, when we send stuff back to CPS, it certainly doesn't reach the top of the CPS pile. (Youth Justice Worker 5)

Are any cases too trivial?

There aren't any that are too trivial for bureau to deal with. I can't think of one I would have said is too trivial... I had one the other day, a young person of seventeen got drunk. He was just being a little mouthy, as seventeen year olds will do. And he was going to be no trouble again. He was in sixth form. He had plans to go to university. He wanted to become, a doctor or something He had every plan to become a very law abiding member of society. And was mortified by what he had done. Is it too trivial? No, he was given a community resolution, disposal. I don't think it was trivial. Because it was a good lesson for him and really thinking about what he had done. And a real wake up call, as he said himself, "This is a real wake up call to me too." (Community Bureau Panel Member 2)

This approach is likely to lead to net-widening, to every minor transgression being dealt with through Bureau. Some workers see no problems with that (see above) as they view it as an opportunity to offer support.

... initially we were scratching our heads at some of the offences that were being processed through bureau. And when we unpicked it a little bit and spoke to the police officers they were more concerned about welfare rather than. They might refer a young person to see a welfare process because the family were troubled. Rather than offending specific. So I don't know if that still goes on but I can see why officers are doing that. Because if they are hitting up a call through child care teams, it's another way of getting a kind of first experience for that child and that family. ... It is a positive thing. Even though children are labelled. But they are getting a service. Because obviously social care is very stretched. But you know, that is not in all cases. But there have been a few where we have thought, hang on a minute. And when you have unpicked it a little bit that has come through. (Youth Justice Worker 26)

However, there is a major issue waiting to come to light, if the young person later transgresses again within 12 months (another very trivial incident) then according to the present rules they should not receive a community resolution and so will be dealt with by caution, have a PNC record when it is very possible that, under previous systems neither of these offences would have attracted any action (there is now a possibility of more than one Community Resolution). Therefore, whilst intervening may be thought of as for the right reasons it can lead to problems, it may be a reason for talking to the young person and, if relevant, giving them some advice or offering to refer them to other agencies for help. Certainly many researchers advise against intervening too early and too often (see e.g. McAra and McVie, 2007a and b).

I think the youth justice system, you could argue, has spread the net very wide, and brought children in who are younger, for less serious matters. And that has been a consistent progression over the years, hasn't it? (Youth Justice Worker 8)

You try to resolve that tension with are we dragging people in, or are we trying to keep them out. We are trying to keep them out but at the same time we want to assess everyone. I think everyone here would say we want to keep people out. And yet everyone also says, oh yeah lets assess, lets assess. And when you say, is that a good idea, they all go, oh. Because we actually think about it and we are not quite so sure then. (Youth Justice Worker 11)

There are also cases which should never be sent to Bureau. Where, for example the child denies any involvement

It was pretty clear that actually he wasn't admitting to any kind of offence whatsoever. He still went before the bureau though. I kind of picked up on the fact that, actually what offence were we dealing with? He had no

representation. The police still sent it to bureau. He didn't admit to it. Still went to the bureau. ... I went to the bureau, well hang on we shouldn't be dealing with this. It needs to go to court actually because he is saying he didn't do it. It was discontinued by the CPS. (Youth Justice Worker 2)

There are also certain cases where the young person and the parents/carers do not understand what is happening, do not know what a Bureau is and why the Youth Justice Service is involved. It may be sensible for this to be explained more clearly at the police station and then reinforced in writing afterwards:

.... they would say, oh no we have been given a return bail date to the police station. I would explain to them please ignore that. That is no longer how it's being worked. This letter here has got the date and time for your bureau meeting. This is when it will be discussed whether, say Jonny, is deemed suitable to receive a youth caution. I have to explain to them that it's not set in stone. You are going to receive this youth caution. This is the purpose for the assessment. This is the purpose of the report. So we can then decide whether it is a suitable option. That is usually how I explain it. (Youth Justice Worker 14)

Key Findings

- There are a number of problems with a few cases sent to Bureau:
 - there may be delay especially since the offence was committed though this may be due to a slow investigation;
 - insufficient information is passed to YJSs;
 - A few cases are coming through where there is an admission but insufficient evidence to charge, even some with no admission;
 - There may be a tendency to believe that the Bureau can only help and therefore should be used even in very trivial cases, this would be a mistake.

Recommendations

- The police should consider how they might tighten up some of their procedures to avoid delays. Possibly an automated e-mail could be sent to seconded officers each time a child is in the police system (arrested or voluntary interview).
- The police should never send cases through where there is insufficient evidence for a conviction, even if the child admits the offence.
- The police should never send through very trivial cases, these could be dealt with by use of a YRD and/or a referral to the YJS preventions team.
- To facilitate the child's ability to understand what the outcome is for them it might be sensible to devise a child-friendly form of words to be used when talking to them and a written note to be handed to children.

5.2.5 Legal Representation

A number of workers expressed concern that the children were not legally represented before they admitted the offence. Some children believed they did not need a lawyer because it was an arranged interview and/or regretted not having chosen to get a lawyer. Despite the professionals agreeing that a lawyers should be present at police interviews, and insisting on it if they acted as appropriate adults, they admitted that most children who go through Bureau never get legal advice. This was the case for the children we interviewed; only one of the eight children chose to have a lawyer present at her police interview.

it's hard not to think about the case I am doing now. But it does' spring to my mind that the police have clearly stated the victims description of what has happened, and you almost have to accept that as fact. Because that's what the young person has agreed to. But actually when you speak to this young person part of the story is different. And the part of it that's different is quite significant actually. And if he had of been charged and gone to court, which he could have quite easily have been, and he had a solicitor, that would have been very different I think. I think there still would have been a case, but there is just one of the charges would have dropped. And that would have been very beneficial for this young person. (Youth Justice Worker 17)

I know if the team obviously, when they go to do appropriate adults, because they would represent the council, representing the authority, they will always insist on a solicitor being present. But parents rarely do. (Police Officer 25)

But I know that, although PACE will say that you have to be asked these things, there is that power and balance about, well if you don't have a solicitor we can get through this really quickly. (Youth Justice Worker 1)

[The Bureau] are assuming in terms of justice that the young person was properly represented when they made the admission. We don't see ourselves as judges, we never see ourselves as judges. We just go with whatever judgements have been made. We have to assume that when they admit guilt they meant it. (Youth Justice Worker 5)

Q - Did you get offered legal advice?

Peter - Yeah. I got offered a lawyer.

Peter's Parent - He didn't think what he had done was that serious. So he didn't need one. Anything that's happened in the past, like when they had a little fall out in the park, and stuff like that. The police officer has come round and chatted and gone away. This one was, they wanted us to go into the station and it was formal and frightening, wasn't it?

Peter - Yeah. I thought that it wasn't that serious. But obviously I had it quite wrong.

Q - Okay. And do you wish you had had a solicitor with you?

Peter - Yeah, I do.

Q - And you mentioned that you had legal representation there [at the police station] as well? Was that helpful?

Catrin - It was alright. Quite helpful actually.

Catrin's Parent - So when it's the first time you need to know. If you have got legal solicitors or something, at least they have got a bit more experience than us. They can give us a proper guiding and everything.

Others were less convinced and some even thought that lawyers might get in the way of justice, especially if the child had committed the offence. A number of children chose not to have lawyers and were happy with that choice.

I think it goes back to the comment that this is to do with young people's development because one of the things we have noticed is, and I am not sure this was necessarily intended at the outset. But we have noticed that young people who are coming to the Bureau are not going to see defence solicitors. They have got that option but most are not. And they are much more inclined, I think, to come clean and put their hands up, take responsibility for their actions. And they want to try and put it right. And I think that's much healthier. Because unfortunately the way the court is structured, if my son got into trouble and I took him to a solicitor, the first thing the solicitor would do is probably try and get him off. The second thing is, if he couldn't get him off the charge, he would try and mitigate it. He would try and minimise my son's involvement. And I don't think that is a very healthy message for kids who are growing up and to their parents. It's much better that we, "let's be honest about what you have done and your part in it, and try and move forward and put it right". But I don't think solicitor's help that process for kids because they are trying to create wriggle room all the time aren't they? ... They are trying to get kids off. We don't want to get kids off. If they have done something, for the sake of the adults they are going to become, it is much better that they take responsibility for their actions. So they are called to account and they have to hear what harm they have caused (Youth Justice Manager 1)

We attended one Bureau where a child received a conditional caution but had a lawyer been present at the interview they might well not have been sent to Bureau and not have been charged. In this case where a community resolution might have been fair the conditional caution was not though the Bureau's hands were tied by Police requirements and they could not offer any other decision.

There was consensus that lawyers should not to be present at the Bureau itself.

Key Findings

- There have been cases where the lack of legal representation has meant cases have come to Bureau which should not have been sent.

Recommendation

- The police should assess how best to ensure that children enjoy their rights to legal representation and Appropriate Adults even when they attend for a voluntary interview, maybe not just telling them about their rights to free legal advice but suggesting it might be a good idea.

5.3 Youth Justice Team Processes

Once the police have decided a child is eligible for a youth caution the details are passed on to the Youth Justice Team to go before a Bureau. The operational manager allocates the case to a youth justice worker, in most of the YJSs this happens at a weekly meeting in which all cases are discussed e.g. an assessment meeting. That member of staff will do a home visit and will complete an assessment. Ideally they will also be the case worker as they will build up a relationship with the child before the Bureau. However, sometimes the worker who carried out the assessment is different from the case worker who will work with the child on any intervention. After completing the assessment the worker prepares a fairly short report which covers the offence, the assessment results, the thoughts of the child and his/her parent/carer, the thoughts of the victim and a suggestion as to which interventions might be most helpful. That report goes to the Bureau panel, the decision making panel when a police representative (usually a seconded police officer), a representative from the YJS and a member of the community (who volunteers with the YJS and has undergone training to perform such work) study it and consider what should happen. The panel members (at least two must be present at each Bureau) have a look at the report and have a discussion about what they think the outcome will be. The Bureau panel then meets with the young person and their parents/carers (sometimes a victim also attends) and the case is again discussed, the young person is given time to contribute as is his parent/carer (and the victim, if present). This meeting culminates in an agreed outcome, generally the one agreed at the pre-Bureau meeting. Each aspect will be discussed here.

The Bureau panels and final meetings we witnessed or were informed of either in writing or at interviews were loosely based on restorative approaches married with best interests of the child and shaped into a positive practical process to deliver fair criminal justice outcomes. What follows are suggestions for honing and improving these practices.

5.3.1 Allocating a Worker and Building a Relationship

Cases coming into a YJS are considered, often by a panel, and then allocated a worker to conduct the assessment.

So we take a look at the case. All sorts of things. Where does this child live? In the back of beyond. Who can do that case? What their schooling is, everything. What their language. Are there any issues around the offence, do we need a woman or a man? All of these considerations really. Then we would allocate the case out we are also giving the date of the bureau, the decision making panel. (Youth Justice Worker 8)

Ideally this should happen very quickly and the assessment should begin within a few days but, as with the police, there are sometimes delays. Three out of the eight children we spoke to talked about delays and it was not always clear whether these were due to police or YJS delays but it seems that at least part of the delay was YJS.

Q - Did anybody give you a reason [for the delay]?

Peter - No.

Q - Okay. So how long after the incident did you first meet somebody from the youth offending team, approximately?

Peter - It was a while.

Peter's Parent - *It was about ... four weeks I think. Every day felt like a lot of time.*

Peter - *It was more than that. I couldn't do anything, I had to just wait.*

Q - *And how did that make you feel about yourself?*

Peter - *Pretty bad. Because all my friends were coming home from school and I am just sitting there thinking I am school-less, I can't do anything.*

[note the delay in this case was partly due to police and partly the YJS]

Q - *Once you knew you were going to bureau how long was it before [Youth Justice Worker] came out to see you?*

Rhys - *Probably about two weeks.*

They assigned us with a youth worker. Then they changed that as well then ... there was nothing happening There was a month where it was a bit, what has happened to me? (Steve)

Once a worker is assigned they start to work with the child and his/her family especially any parent/carer. They will begin to develop a relationship and to build trust.

Gruffudd - *.... he [Youth Justice Worker] was really sound and he sat and had a chat properly and that. He explained everything.*

Gruffudd's Parent - *The bureau, he explained everything really in depth. He was really, really good. He made sure [Gruffudd] knew what was going to happen. He made sure I knew what was going to happen. He explained the processes. Who was going to be there. He even explained that there would be a volunteer on the board. And how these volunteers came into the system. He was really very good.*

5.3.2 Risk assessment

Once a child is allocated a worker that person begins to gather information concerning the child. They will go through their own records (statutory and preventions) to find out whether the child has been previously known to them. They will also usually contact other agencies, or access shared data, to discover whether he or she is known to other agencies. This information (or lack of it) along with the police data helps to build a preliminary picture of the child. In some YJSs this information is used to complete a screening tool (see below) but in most it is just the background data which the worker takes to the full assessment. In all four areas the child is fully assessed through either an Asset or a Final Warning Asset. As these tools are soon going to be replaced by Asset Plus we did not examine the merits of one tool over the other. Under guidelines set out by the Ministry of Justice and the YJB (Ministry of Justice and YJB, 2013: 18) this assessment should be completed within 10 to 15 days of the referral by the police. In all four YJSs the assessment takes place in the child's home unless this is inappropriate for child protection reasons, it is too dangerous or the child requests another venue but there is always a face to face meeting with the child and his/her parent or carer. In one of the interviews neither the child nor their carer could remember this meeting. In another the assessment took place at the YJS offices because there was a dog who posed a danger for strangers visiting the child's home.

Catrin - *the youth offending team came to the house. ... That was ... a few weeks or something.*

Catrin's Parent – *Week after or couple of weeks after we were told [about the Bureau].*

We always try to do a home visit, it is important to see them in their own environment, we do all of our initial appointments at the child's home. Unless we ask the child and they prefer to meet you at a youth centre or in our office ... [or] there might be child protection issues ... face to face with parent, face to face with young person, are all an integral part of the Bureau because you should not do things to people, it won't mean anything unless you do it with them. You have got to take people on a journey with you. (Youth Justice Manager 4)

... Not only do you look at the negatives you need the strengths and positives. And how can we strengthen those positives? ... Because the plan is obviously there to work on the weaknesses and help the good stuff. (Youth Justice Worker 13)

One worker noted that there had been cases where the parent was reluctant to allow their child to be assessed. There had even been refusals to participate though these had been withdrawn but the worker did wonder about cases in the future where the parents refused to allow the child to be risk assessed.

On a rare, and it is a very rare occasion, I have had a parent say no. I have eventually got them to engage.
(Youth Justice Worker 14)

A number of people questioned the need to conduct a full assessment (Asset or Final Warning Asset) in every case.

And I don't; think it's actually necessary when we are going to do something fairly minor in terms of an intervention. I mean what people say to me is that sometimes you know what the intervention is going to be as soon as you see the paperwork. Because it is going to be focused around the offence if there are no other problems. ... So we need to be bit smarter and a bit more focused. But it's almost like we haven't got the tools at the moment to do something quick. ... it would be a move back to depending on professional assessment, which happened before asset. if we checked a number of risk factors and databases that we have got access to here and there were no alarm bells, then could we justify doing a briefish home visit? Have some contact with the family. And if we were satisfied that everything seemed okay, would that be sufficient? That is the question we are facing at the moment. (Youth Justice Manager 1)

One of the YJSs has designed a screening tool which they are in the process of testing.

We do a screening tool first of all. It's quite basic, as I say. So it looks at any previous anti-social behaviour. Whether they are associating with others known to be offending. That kind of thing. We do a score then - low, medium or high risk of offending and vulnerability. If it is low risk I don't do an Asset, just a home visit but if they come through as medium then we will look at the situation and see obviously the reasons behind. If they have a previous offence then I will do a full Asset on those. I always do an Asset on the high risk ones. (Youth Justice Worker 4)

One worker suggested that a home visit might not be necessary if the screening tool came out as low but generally the home visit was thought to be essential to the whole process, one needed to meet with the child and discuss the case and their life.

The home visit is important because even if someone is screened out as a low risk case, and you get to the house and you are talking to the young person and their family, you might get a feeling that this may have been a misplaced decision so you might do an Asset anyway. It is quite often a child protection issue in the background. I can think of one particular case where that has happened and it rapidly became quite a serious child protection issue and it need an inter-agency referral. (Youth Justice Worker 5)

The workers aimed to listen to the child, to understand things from their perspective and the children generally felt that their youth justice worker listened to them and took their side of things into account:

And that visit would be taken up with hearing from the young person. "You tell me. Explain to me what happened. And why and who was there." And trying to find out as much as possible their take on what has happened. I always involve the parents in that as well. Either part of it or all of it. To hear what are their thoughts about what has happened? And how has that impacted on them? To try and find out how they have responded. Do they condone the behaviour or not? Are they taking any action to do anything if necessary, or not? So a big chunk of it's about the offence. A lot of it is then about finding out about other siblings, the family. How a young person is spending their time, interests, hobbies. How things are going at school from their perspective. And from a parents perspective. (Youth Justice Worker 17)

Q - And did she ask you what you thought should happen?

Peter - Yeah. Yeah, she was listening.

Q - Do you know whether what you felt went into her report?

Peter - Yeah, she um fought my corner quite a lot. She was good.

The guy we had was extremely good at reading people. Especially youngsters. And he actually got [Gruffudd] to talk an awful lot more than I actually anticipated he would do. And he was very comfortable with [Gruffudd]. And [Gruffudd] obviously felt very comfortable with him. (Gruffudd's Parent)

Parents also felt they were listened to:

Q (to parent) - did you feel he listened to you?

Gruffudd's Parent - yeah absolutely. He really was brilliant.

Key Findings

- Most YJSs conduct a home visit and complete a full assessment on all of the children.
- Some would like a screening tool so they just had a brief home visit and no full assessment on low risk cases. One has already designed such a tool.

Recommendation

- The home visit (or at least a face-to-face meeting) should remain in each case as the child's voice should be essential to the decision-making process.
- All YJSs look at the feasibility and desirability of using a screening tool so as to avoid the need for a full Asset in each case. However, great caution should be used before deciding to adopt a screening tool as it is important not to lose the depth of information about the child. A screening tool should be used not to save time but to ensure time is spent in ensuring the voice of the child comes to the fore.

5.3.3 Victim

Where there is a victim and assuming that they have not asked not to be contacted each of the YJSs makes every effort to contact them and get them involved. The contact with and support for the victim and the assessment of the child happen concurrently.

We assess the victim at the same time as we assess the young person. We can use corporate victims, most of the individual shopkeepers are happy to talk to us. (Youth Justice Manager 2)

Whilst each YJS stated that victim work was important some seemed to do more of it than others.

I think it's important because it makes the experience more powerful for both parties, I think. The easier option for staff is that indirect restorative approach. Where you get involved in shuttle mediation. Going back and forth between the parties ... or you get involved in helping the young person write a letter of apology ... it doesn't require such an investment to prepare both parties for what is going to happen. ... They have to speak to young people. They have to speak to the parents. ... They have to speak to the victim ... when victims and young people are nervous, we carry them along. Then they come out of the other end of the process but generally speaking they are very satisfied with what has happened. ... Both parties need a bit of hand holding at the beginning. (Youth Justice Manager 1)

The better systems were careful to ensure that the victim was not drawn to the fore too much.

.... informing them of outcomes and allowing them to be part of that outcome are two different things. And I think the bureau, a lot of them don't take that option up, but the option is there if they want to be more involved. (Police Officer 9)

One worker mentioned to us the fact that the chief constable and Police and Crime Commissioner are considering setting up a victim hub.

I have been in contact with the police and crime commissioners recently and I know what they are looking at is providing what they call a victim hub. All victim services brought into one area. So they can see, they can monitor and people can phone in for advice. All this sort of thing. I think it's probably going to be another two years before that is up and running. But something like that will be ideal. So you have got victim support. You have got the various victim departments, like ourselves within youth justice, probation as well. So that will all be within one. (Youth Justice Worker 27)

Whilst this may have beneficial effects care should be taken as it may interfere with the very positive victim work being done through the Bureau, in particular it may remove it from the local context and this might damage its full restorative and community building potential.

All YJSs obtained feedback from victims and these were generally carefully filed away, often in the computer systems. However, little was ever done with this information and both we and many of the workers recognised that as a missed opportunity to learn from past work, both successes and failures.

Key Findings

- All YJSs work with victims and consider that work very important, some have more trained staff and capacity than do others.

Recommendations

- All YJSs should ensure that the interests of victims are properly addressed, they need to find out what victims consider should happen and whether they would like an apology or to be involved in any restorative process.
- The victim should not dominate the process. Victims should probably not attend the Bureau. The Bureau is about the child and the presence of a victim may mute the voice of the child.
- Meetings between victims and the children should be separate from other aspects of Bureau.
- If a victim hub is considered care should be taken to ensure it does not impact negatively upon the work of the Bureau.
- YJSs might usefully consider analysis of victim feedback forms. To reduce staff time this could be an automated system.

5.3.4 Pre-Bureau Report

This was one of the least discussed aspects of the process. All agreed that Bureau reports should be shorter than court reports and that they should be rather differently focused. They agreed that the child's and parent's voices should be very important in the report. They also wanted to ensure that the victim's (where there is one) feelings and perspective were accurately represented in the report. The reports were written to a particular form which was replicated throughout the four YJSs, this ensured that they covered all the important aspects of the case before making a recommendation. Generally everyone was happy with the reports and the way in which they were prepared.

.... when that report comes to bureau then ... you have got a very good understanding with a lot of information on that young person about their circumstances. ... From all that information then you choose an appropriate outcome for that young person. (Police Officer 12)

Gruffudd - ... when he came to my house afterwards he showed me it. He was like this is what I have given to the people, what I recommend you should get. The punishment and that.

Gruffudd's Parent - He also asked if we felt it was a true account as well.

The only contentious aspect was the fact that the report was only given to the members of the Bureau panel when they arrived at the Pre-Bureau Panel Meeting. This was particularly difficult for the community panel member and, from our non-participant observations this seemed to reduce their ability to contribute to the panel.

.... to see it [the report] a day or two in advance would be useful to have a bit more time to think about it. (Community Bureau Panel Member 2)

Good practice seemed to be to discuss the report with the child and their parent/carer before submitting it.

I always want to know that they have read the report before they come to the bureau. And again I like to go and do a visit to do that. I think it's a really important part of the whole process. ... What I always say is, please let me know if there is any wrong factual information ... then I would correct that. Then I say, please let me know as

well if there is anything you are not happy with, or you feel isn't fair, or isn't accurate, or disagree with. And we will discuss that. And I will say, that doesn't mean necessarily that I will change it. But I would like to discuss it with you so we can be clear why we are saying that. (Youth Justice Worker17)

Key Findings

- The reports are professionally prepared but are only available on the day of the Bureau.

Recommendations

- Pre-panel reports should be available the day before the Bureau meeting.

5.4 Bureau

The Bureau panel is made up of:

- a police representative (usually the seconded police officer),
- a representative from the YJS and
- a member of the community who volunteers with the YJS and has undergone training to perform such work.

Whenever possible all three members are present but a bureau can be held if only two are present. On the rare occasions when a child fails to attend they are usually given at least one more chance because workers recognise that many of the children live far from ideal lives but if they continue not to turn up they are sent to court and this may prove problematic.

.... where young people have not turned up for bureau. I think we have only had one or two. There was one ... he turned eighteen, he was processed before the adult court for not going to bureau for three session with cannabis, really low level stuff. And because he had been prolific historically the magistrates gave him, I think it was a three month conditional discharge. Sent him on his way. And I was like, well you could refer him back to bureau, but they wouldn't. his explanation in court was, I have changed my address and there was confusion with the YOT not knowing where I was. Now I know he should have told us he had moved, but that magistrates had that opportunity to divert him back. But they chose not to. They chose just to get him processed and give him his con.diss. and off he went. Whether he would have engaged with us at eighteen, because he would have been in transition to adult services anyway through substance misuse. But to me there was a missed opportunity by court. (Youth Justice Worker 26)

5.4.1 Location and Atmosphere

Location

Each of the YJSs has a problem regarding where to hold the Bureau meetings. Each of them holds their Bureau meetings in a central location but that can mean that people have to travel a considerable distance. At least one also holds panels in other locations.

We have looked at having panels all over the county, we have been checking places for their suitability. But in general the majority of them have been in the building where the YOT is because people find it easier to come here. Especially when you included parents and foster parents.

Q - Where was the Bureau held?

Daniel - At the school

It needs to be somewhere that the families can access. One YJS even supports families and victims to attend.

Sometimes the victim or the offender can't get here so we have to send a sessional worker to help them so it's quite staff intensive to get the meeting started smoothly (Youth Justice Manager 2)

Ideally the building should not be too imposing, one used at the moment looks rather like a court building which should be avoided if possible. More important than the location, however, is the layout of the room.

We also prefer it in one of our buildings because having control of the environment is important to ensuring there is the right relaxed atmosphere. (Youth Justice Manager 2)

I feel it's very formal. If I was a young person walking into that bureau I don't know that I would like it. It's a big room with big tables. And I think that could be intimidating. It's a separation. It's a big square table that is separating you. (Community Bureau Panel Member 2)

From our non-participant observations the layout of the room was not given sufficient thought and it did seem to affect the Bureau process and the ability and/or willingness of the child to participate. Each of the YJSs stated that the Bureau was intended to be restorative but only one used restorative processes to decide on the layout of the room in which the Bureau was to be held (that area was also most critical of the environment in which their Bureaus were held because they felt it was still not sufficiently restorative). In most of the areas the layout was clearly confrontational with the Bureau panel on one side or at one end of the table or room and the child and their parent/carer on the other. This felt like a barrier between the child and the Bureau panel, one which should be avoided. In all cases, even within the parameters of the room used the space could have been more restoratively laid out.

It would be much better without a table. (Community Bureau Panel Member 4)

Engaging the Child

In all the Bureaus it was clear that the panel, especially the YJS worker, were focused on engaging with the child. However, here the layout of the room certainly seemed to be crucial. The non-participant observations suggest that the restorative layout led to deeper and more meaningful engagement with the child, it drew out the child's voice more powerfully and also supported the parent to participate. In the restorative layout no-one was in charge and everyone felt equal, it was less them and us, so the child and their parents felt even more able to engage than in the other environments.

... it allows us to engage in different ways, more real and deeper engagement but it is only possible because it is less formal. ... They don't feel as if something is being done to them. It's more that they are part of it. ... Young people are usually very focused on what you are there for. Because it is such a relaxed and friendly atmosphere they are quite happy talking about things. It's a conversational Bureau. If the young person just sits there and nods their heads or grunts, you have got a problem. But I think there is a lot of work goes into engaging young people before they get to the meeting and it is really working locally because they do engage. (Youth Justice Manager 2)

Uniform

An even more contentious aspect of the process was whether the police officer should be in uniform. In one of the areas the officer was in full uniform, with utility belt. In others they were in a more relaxed uniform, shirt sleeves and in one they were not in uniform at all. There is ACPO guidance stating that:

'There is a strong preference from ACPO that officers should be in uniform for the giving of a Youth Caution except in exceptional circumstances. Receiving a Youth Caution is a serious matter and being in uniform to deliver this message may add to its impact.' (Ministry of Justice and YJB, 2013: 20-21)

Many of those interviewed agreed that a uniform should be worn.

Q – How did you feel about the uniform?

Matt - I wasn't really bothered at it. She is just there for the eye of the law, that is what I was thinking. I wasn't thinking that I am going to get sent down. I was just thinking, she is just here to represent the eye of the law. And the community representative did have quite a deep voice, which was quite intimidating. But he was proper down to earth. He seen both sides. He was fair, everyone was fair.

A number disagreed and felt worried a uniform interfered with the process. Furthermore, from the non-participant observations the wearing of uniform did impede the participation of the child in the proceedings.

With a non-criminal disposal ... it's voluntary. But how voluntary is it, when actually you have got a uniformed police officer suggesting, you need to do this, you need to do this. I think albeit ever so nicely, it's too coercive. I am not convinced that it's genuine consent and genuine voluntarism. (Youth Justice Worker 2)

I think when you have got to interact with youths on a level that they understand. ... And because you are asking them for their thoughts and feelings. ... I think they might open up a bit more to somebody who is not in uniform. To make the ... right decision for them in bureau, you need them to open up really. As to why they have done it and how they are going to behave differently if they are put in front of that decision with that peer group again. (Police Officer 7)

Q - The police officer who was there, was he or she in uniform?

Daniel - a white shirt and dark trousers. that made it easier.... So it didn't feel like a full on police investigation kind of thing.

And when you are dealing with young person sometimes they can't see past that uniform. And you don't want a barrier to prevent the process. (Police Officer 12)

As the effectiveness of the proceedings should be paramount it is suggested that the officer should not wear uniform for the Bureau meeting with the child but, if it is necessary to give a caution should put on a police jacket for that part of the process. The change in attire might even be more symbolic, might strengthen the impact of the seriousness of the caution.

I am comfortable with cops not wearing uniform provided everyone knows they are cops. But when it comes to the delivery [of a caution] I think they should be identifiable as a police officer. So then uniform. That is my view. ... a disposal where you are actually delivering an outcome has more gravitas when you have got somebody in uniform. (Police Officer 28)

Number of People Participating in the Bureau

Some of the children had a problem with the number of people in the room, feeling that there were too many:

Q - In terms of the number of people that were there, did you think that was okay?

*Catrin - No, too much, no. I thought there would be less people. I thought there would be like one person. ... There were about four people there. There was one officer, there was one which was a manager of the youth offending team of ***, and there was one public person.*

The thing is, the only thing I have got to say about bureau really, there are three people. Like I am a confident speaker, so I don't mind. But some people, they are going to shy out at three people. I think it's better one to one, not three people staring at you. Some people are not going to talk really. (Steve)

Maybe some of it is about being properly prepared:

[Youth Justice Worker] did say there was going to be three people there. There would be a police officer, a youth justice worker and a member of the public, well not member of the public but a representative. And when I walked in it was still a bit of a shock. (Matt)

However, generally they felt that the atmosphere was quite friendly and relaxing:

.... they were fine actually. They were quite friendly. It was just straight to it, it was quite busy (Catrin)

It was quite a sort of secure place. There wasn't anyone going to pounce on you if you said something wrong. (Peter)

They greeted me with open arms. There wasn't so much pressure as I thought there might be. They weren't too formal with me. But they also weren't so relaxed that I could just say what I wanted to. (Matt)

There was one Bureau where an agency worker was often invited to attend. If the children found three too many a fourth should be avoided especially as they could engage equally well by meeting the child as he/she came out of Bureau.

... when you think of it, there is me sitting on the outskirts ... there is drugs ... there's the education worker. You could fill that room up. And make it a horrific experience for this poor little person. I think three people is quite enough. (Youth Justice Worker 18)

A number of workers felt that having the victim at the Bureau was positive. However, this was not the general view and in some areas victims were intentionally kept separate from Bureau.

I think it [having a victim in the Bureau] has gone well every time. I think it's good that they are part of the process. If that's how they want to do it. It's giving people the choices as to how they want to do it. If they want to come then to the bureau, yes. It doesn't then change the dynamics. (Community Bureau Panel Member 2)

We don't have victims coming to bureau. It was a decision that we made right at the beginning that we weren't going to do that. Because there would have been too much variation. (Youth Justice Worker 1)

Daniel - ... the meeting ... had [victims] there. There was a community officer and a youth, the two youth justice reps, I am not sure exactly what their titles were. and police....and the others and parents

Q - Do you think it would have been easier for you to talk to the three decision makers if there hadn't been so many people in the room?

Daniel - Yeah, definite.

However, if the children already find three people present a problem the presence of the victim is likely to cause problems. Before inviting a victim to the Bureau it is probably sensible to consider very carefully what the Bureau is there for. The victim is given an opportunity to feed into the Report and can request an apology/other restorative outcome. Is attending the Bureau instead of one of these or as well as them? Is the Bureau there to decide what should happen to the child and ensure that they are offered all the help they need to lead a pro-social life in future or is it there for the victim? It seems unlikely to be able to serve both purposes. The only child we spoke to who had experienced the restorative element at the same time as the Bureau had very negative experiences of both, so did his parent. They were very confused by the whole process and did not understand what was happening in each part of the meeting.

A number of professional victim workers we interviewed felt that Bureau and restorative justice work should be kept separate.

I think it's better placed outside. Because the bureau is a big process for both parents and young people to take on board. The RJ process is a big process as well. That is a hell of a lot of processes to take on board in one meeting, where you have got all these officials round. It's not comfortable, it's not relaxed. No, I don't think it would work. (Restorative Justice Worker 18)

Other Issues

Who should lead the panel discussion? In a number of areas this was the YJS worker (usually an operational manager or senior practitioner). In one case it was the police officer. It was never the community member though in a number of areas they were very involved.

I wouldn't particularly want to take the lead in the bureau. In fact I wouldn't want to. ... Because you are sitting in judgement. You are making the judgement. And I am not really comfortable with that. I really want to concentrate on the restorative part of it. (Community Bureau Panel Member 4)

The first panels you could see that the operational manager was expected to lead. Now you see the police having a very clear idea of the questions they want to ask. And the volunteer really being able to go right across the spectrum how they can take the conversation in different ways. But the process has evolved and got stronger so the three are equal. (Youth Justice Manager 2)

The Bureaus dealt well with problems which arose:

... in one case we had evidence to suggest that the Mum was abusing the children physically and emotionally, it was a child protection issue but the children had not been removed so the mother was attending the Bureau. In the Bureau the Mum was very controlling and limiting. The young person was not speaking at all so we asked Mum would she mind leaving the room so we could talk to him alone for a few minutes. As soon as Mum went out it just all came out. So I think there are circumstances in which having the parent there can be counterproductive because the parent is either manipulating and trying to control the situation themselves, or is the problem. (Youth Justice Worker 5)

Some children had requested other important people be there to support them and where this happened it was facilitated.

If there was a key person, like an identified social worker, or youth worker that the child wanted there, we would certainly try and push that as well. Because obviously anything positive that comes out of a bureau meeting has got to be a good thing. (Youth Justice Worker 26)

Key Findings

- The lay-out of the rooms used for the Bureau was often inadequate or less likely to lead to an effective restorative approach.
- There was inconsistency over whether police officer who attended the Bureau meeting should wear a uniform and, if so, what that should consist of.
- The atmosphere of the panel is set by the person who leads and often reflects their agency – police or youth justice – approaches.
- As will be seen later some parents and children found the process confusing, certainly adding the apology/restorative element was very confusing for the family we interviewed.

Recommendations

- Restorative principles should decide how the room should be organised for the Bureau meetings.
- Seating should be in a restorative circle to ameliorate the pressure on the child, so they feel included and part of the process.
- The research suggests that the officer present at the Bureau should not wear a uniform. If a uniform is thought to be essential it should be dark trousers and a white shirt only.
- There was some suggestion that when giving a caution a police officer should be in uniform and the blue jacket might be added over whatever was previously being worn.
- Care should be taken not to have more than three people participating in the Bureau (occasional observers may be OK especially for training purposes).
- Children need to be very carefully prepared for what will happen in the Bureau and what it is for. They need to be aware that their views at Bureau are important.
- Whilst our research is not conclusive it seems that it would be sensible to separate the restorative/apology from the bureau by holding them on separate days and/or in separate locations. This should reduce confusion.

5.4.2 Pre-Bureau Panel Meeting

In each area before the child and his or her family appears before the Bureau the panel meets to go through the paperwork and discuss, on the basis of the report, what looks like the most likely outcome or decision the Bureau will make. These discussions open up many aspects of the case and each member of the Bureau is given a chance to contribute.

You are not there to just satisfy the powers that be. They ask you, "What is your opinion?" And I have said, in certain cases, "I don't agree with this. I think it should be more stringent, or less, or whatever." and they take it on board, which is really good. (Community Bureau Panel Member 1)

However, in each case the discussion is slightly dominated by the professionals, they ask for and take into account the community members views but they are at the centre. This seemed to be less because the views of the volunteer were less important and more because they had had less time to go through the case. Even if they all get the report at the meeting the professionals have had contact with some of the facts before the Bureau, in other meetings and team discussions so are more familiar with the information. The provision of reports to all Bureau members the day before the meeting would resolve this issue.

In some areas they also use this meeting to decide who will lead on particular aspects of the discussion they want to have with the child and his or her family so that the full Bureau runs more smoothly.

Problems arise because this pre-panel decision tends to be the final outcome in almost all cases.

So once you go into that meeting, unless something extraordinary happens, I think, it's done and dusted. (Community Bureau Panel Member 3)

There were instances where pre-panel decisions had been altered but this was not the norm. At some Bureaus they even completed the decision forms before the full Bureau meeting. This minimises the impact of the child and his or her family on the outcome which runs counter to the idea of 'real and meaningful engagement', of 'listening to the child' and of 'child centred practice'. Whilst recognising that the worker has already engaged with the child the Bureau meeting is supposed to provide another opportunity for a meaningful engagement and this is reduced if the decision has already been made.

Key Findings

- In most cases the outcome was decided at the pre-Bureau panel meeting.

Recommendations

- The Bureau should be more flexible about their outcome, be willing to listen to the child and alter things, maybe only interventions but keep an open mind for the full Bureau hearing.

5.4.3 Involvement of the children in the Bureau

.... young people raised the issue of not being listened to. Young people did not feel they had a voice or that people had the time, capability or empathy to understand and to listen to what they had to say. They need what we might call 'critical empathy': the ability to truly understand the circumstances that have got them into trouble, combined with the capacity to challenge their 'learned helplessness'. (User Voice, 2011: 45)

Central to the Bureau is that the child and the parent/carer feel involved and believe that the Bureau is there to help and support them to lead a more positive life rather than just being there to deal with the offending. Most of the children felt they had been given the opportunity to speak and that they had been listened to.

Q - So did you feel that they gave you an opportunity to speak?

Catrin – Yeah, I don't know what I said though. basically before she even read the whole statement thing she let me say what happened. Which I thought was quite fair because then I had my point of explaining before anything.

Yeah, they were really good. They just sort of listened quite well. They didn't put a judgement before me. They listened to me then and put a judgement out. It was good. (Peter)

Daniel - Bureau Listened

Sometimes facilitating their involvement is hard but it is still important to ensure they can be fully included.

We have got a deaf, mute child who is subject to bureau for indecent exposure. So kind of gold star diversity supporting victims, supporting young person, supporting parents. We have really have to create this really amazing package with the interpreter, supervising interpreter so he feels comfortable. Because obviously they are not used to delivering a sexual harm reduction programme. (Youth Justice Worker 26)

Most of the workers supported this involvement, saw it as necessary to the effective operation of the Bureau. They argued that part of the strength of the Bureau system is that the child can be meaningfully involved in how his/her offending is dealt with.

The view of the young person is critical. It's very difficult to assess because people do pull wool over your eyes. Some of our clients are very clever in that sense. But obviously understanding where the young person is coming from. Is there genuine remorse? Are they really motivated to change their behaviour? All those things are key. Because it's all about, will the young person engage with the support they are being offered or won't they? (Youth Justice Worker 5)

This young person was not taking any notice. We had one come in, and I stopped it. I stopped the whole panel. I said, "Excuse me, I am sorry." This lad was hooded up and he was laughing, "Yeah, yeah, yeah." This was the one who wanted to be a teacher actually. And I had read it in his notes. I said, "You think this is a big joke, don't you? You think this is not going to affect your life?" That is when I went on at him. I said, "I see you want to be a teacher. That is not going to happen. You have just stuffed that." He was like, "What?" He ended up in tears. And he was sort of. It dawned on him big time, the consequences. And there were tears flowing and he engaged with us. Then, I thought, after that, his whole demeanour changed completely. He was like, whoa, I need to work with this and show I am willing, I can change. We need to listen to that, maybe he didn't so that for the worker but he did it in Bureau and we need to take that into account, he was genuine. (Community Bureau Panel Member 1)

They don't feel as if something is being done to them. It's more that they are part of it. (Youth Justice Manager 2)

Many people talked about the importance of the child engaging with the process but what was less evident was the process or those working within it listening to the child. This failure to listen to the child was evident both in the interviews with professionals and in the non-participant observations of the Bureau cases. In all the Bureaus we attended the panel had made their decision at the panel meeting and it did not alter when they listened to the child and his/her parent. This was particularly striking in one Bureau hearing where the child was certainly allowed to say what she wanted but no-one listened to her at all, no-one took it upon themselves to address her points. She was heard but not listened to.

Also important in this are the views of parents and what parents have done to deal with the situation. Parents also felt their views were taken into account.

If parents have already moved on things then the Bureau might be more supportive and build those outcomes into their decisions, this would recognise punishments already inflicted and so encourage appropriate parenting.

Gruffudd's Parent - [Gruffydd] had actually been to see him already, and apologised, and had offered to pay for the damage. Just as the bureau were getting involved with it anyway.

Key Findings

- The children were fully included in the Bureau process but at times needed to be listened to more carefully.
- Supported to find a voice and therefore empowered.

Recommendations

- Build in more opportunities for taking account of what children say both before the Bureau meetings and at the Bureau meetings by building this in to the outcomes in a more meaningful way. Truly listen.

5.4.4 Outcomes

The Bureau has a number of outcomes open to them:

- Community Resolution (with or without agreed voluntary interventions)
- Caution (with or without agreed voluntary interventions)
- Conditional Caution (with mandatory interventions or conditions)
- Return to the police with a view to charging the child.

| Outcome Type (Oct 14 - Mar 15) | Total | Carmarthenshire | Ceredigion | Pembrokeshire | Powys |
|-----------------------------------|-------|-----------------|------------|---------------|-------|
| Youth Restorative Disposal | 1 | - | - | 1 | - |
| Youth Community Resolution | 99 | 47 | 31 | 47 | 52 |
| Youth Caution | 23 | 30 | 2 | 14 | 9 |
| Youth Conditional Caution | 8 | 1 | 0 | 2 | 6 |
| Refer to court / Summons | 3 | 0 | 1 | 0 | 3 |
| Transferred out of area | 3 | 0 | 1 | 0 | 3 |
| No record / Did not attend | 5 | - | - | - | 5 |
| | 255 | 78 | 35 | 64 | 78 |

Table 5: Outcome types per Local Authority area

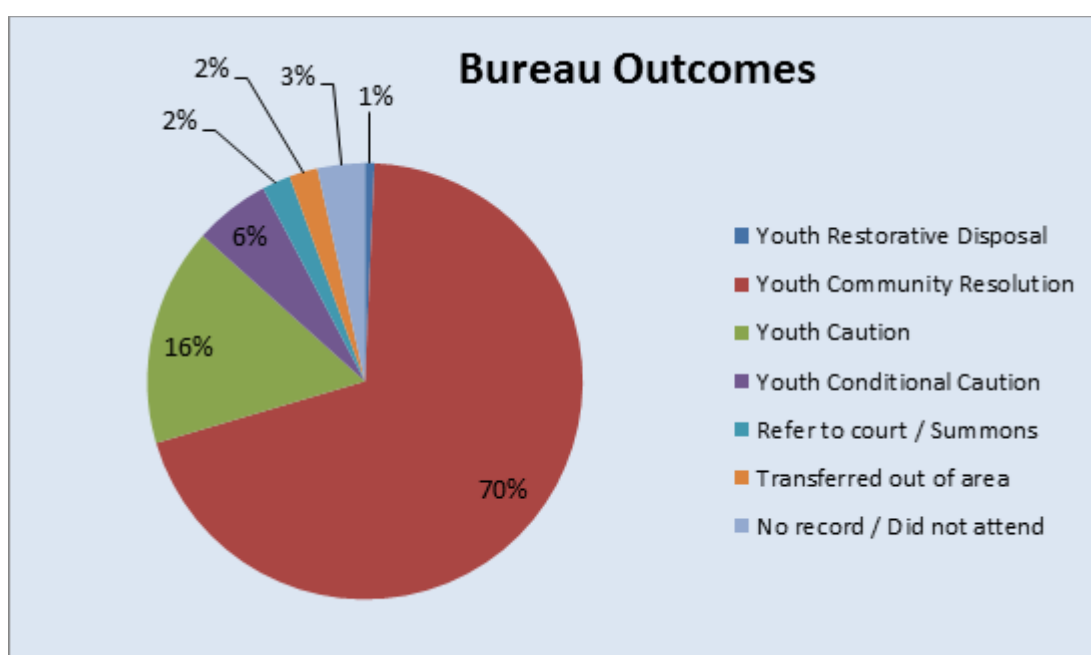


Figure 8: Types of outcomes used at Bureau

The breakdown of outcomes issued within the Bureaus across the Dyfed Powys Police area are displayed above with the most widely used outcome being a Youth Community Resolution, accounting for 70% of all outcomes. Most of these outcomes had some form of voluntary intervention associated with the outcome but this level of detail has not been included in the report due to the varied nature of these interventions.

It is difficult to make any conclusive judgements from this data breakdown but it is apparent that a large proportion of Bureau cases (70%) will result in a non-criminal disposal

| Offence Type | Dyfed Powys Police | Carmarthenshire | Ceredigion | Pembrokeshire | Powys |
|----------------------------|--------------------|-----------------|------------|---------------|-------|
| Drug Related | 72 | 27 | 9 | 21 | 15 |
| Theft and kindred offences | 53 | 17 | 7 | 18 | 11 |
| Violent Offences | 52 | 10 | 5 | 14 | 23 |
| Criminal Damage | 38 | 11 | 7 | 3 | 17 |
| Public Order | 35 | 12 | 6 | 7 | 10 |
| Sexual Offences | 4 | 1 | 0 | 1 | 2 |

Table 6: Offence type per Local Authority area.

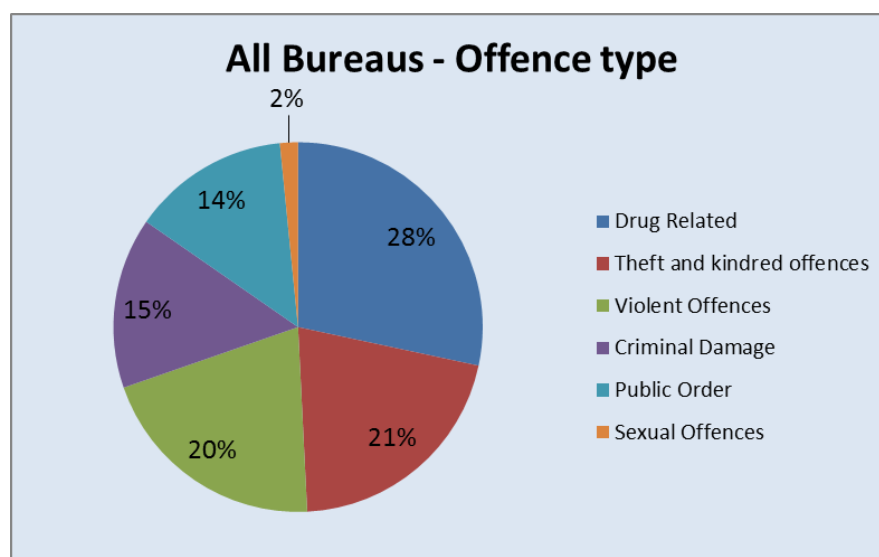


Figure 9: Offence types dealt with within Bureau

Before going on to consider each outcome it needs to be noted that in many cases the parents, supported by the youth justice worker assigned to their Bureau case had already started to deal with the issues. It was refreshing to note that where this had happened the Bureau often tried to take that into account in its decision-making, in some areas this might have been done a little more. Where they did not take account of it the child experienced that as being unfair.

Many of the young people, it was quite interesting, had already started to operate in a restorative way of putting things right, before you even got them to panel. (Youth Justice Manager 2)

I think that the parents see it as a fair system and for some it is a relief that it's happening. Sometimes parents are trying to say the right thing but the message isn't getting through. Having other people saying the same thing in a slightly different way, some parents feel more supported. (Youth Justice Worker 5)

Rhys - We just talked. He [my Dad] wasn't angry, we just talked about it yeah. ... he [my Dad] helped me understand that I shouldn't do it.

Daniel - Well before we did the meeting we had already been to the school and apologised to the headmaster ... and three other teachers there including the headmaster. My Mum took me alone to go and see the headmaster.

In setting the outcome and informing the child of that outcome the Bureau needs to be careful not tie their own hands. It is important that the Bureau remember that under LASPO decisions can move up and down the tariff, each case and each individual should be looked at separately. We attended a few Bureaus where children were told that if they came before them again they would get a harsher punishment or would be sent to court and this is probably not a sensible message, it ties the hands of a future Bureau.

*Recently a young person was in the bureau. And he received a youth caution. the police caught up with him to do with something else from nearly six months ago. So he is back in for our bureau again [for something that happened before the first Bureau]. And the bureau dealt with him by means of an NCD. Well that's fine. However, what the bureau said to him was, "Look if you come before us again for ****, okay, you are going to court alright?" ... And actually that offends me because that means that bureau have just ignored parliaments will. Parliament has created that actually you may receive a subsequent youth caution, or youth conditional caution. ... Their [Bureau's] role is to consider a subsequent youth caution or a youth conditional caution. They may still decide to send him to court but actually what they have said to this young person and his family is, "We don't care what the context is, you will go to youth court." (Youth Justice Worker 2)*

Each outcome and the issues to which it gives rise is discussed below.

5.4.4.1 Community Resolutions

Community resolutions tend to be used in the least serious cases. Assuming that the police do not send through less serious cases than they would previously have given a caution/conditional caution (warning/final warning) then the community resolution genuinely divert the child out of the criminal justice system; there is no entry onto Police National Computer (PNC). The Government favours their use to encourage offenders to face up to the impact of their actions. These seemed to run smoothly with people being generally happy with their use. They are often explained to the children in these sort of terms:

... we give you [children] a chance here. However it's down to you now. We can support you. We can offer as much help as you want. However you have got to respond to us. (Police Officer 15)

Generally Bureaus awarded the lowest outcome they could, taking into account the seriousness of the offence (which provides the backdrop) and the personal circumstances of the individual. One Bureau considered that this 'rule' of giving community resolutions whenever possible added a level of consistency.

We dealt with a TWOC the other day, and we issued an NCD, with intervention. That created massive discussion throughout the team. But the fairness bit was, that when we were doing assessments, it was relatively low risk. The offence itself was relatively low risk for a TWOC. ... the reason behind that is, the kid made a mistake, it was the first time in the system. I was giving him an opportunity to say, yes I made a mistake, I have learnt from it, and I will engage. I think the consistency is, unless there were exceptional circumstances, the first time we are going to be issuing an NCD. And I think if it's that serious then it shouldn't be coming through to bureau. (Youth Justice Worker 20)

The only real issue to come to light was the restriction in the number you can use, one per child in any twelve month period (now partially resolved). A few practitioners agreed that this should be the norm.

I think there needs to be a cap on the number of CRDs you give. Because I think if it's very clear, it's one CRD for everybody, for all young people, then the next step for young people is a youth caution. (Youth Justice Worker 13)

However, most considered that the Bureau panel should be trusted to use its discretion intelligently especially as there is always police input to that decision-making and the decision always had to be justified. Also if the rule were rigidly applied it would not permit one to deal with difficult cases.

I think there should be discretion ... they shouldn't automatically be escalated. (Youth Justice Worker 17)

I think it's okay to give kids a non-criminal disposal on a couple of occasions if there are justifiable reasons. ... At the end of the day the process is about trying to support young people and not criminalise them. ... I think we should always guard against just going with the next level up. (Youth Justice Worker 20)

.. removing the ... escalator principal, that people can go up and have a serious sanction and less serious sanction, I don't see why we would feel uncomfortable. I think as long as you can justify your decision making and rationale for those decisions, and you trust the judgement of the professionals involved, I don't see why that would be a problem. (Youth Justice Worker 11)

However:

There is that tension there. Because you only need a storm in that national paper saying some twelve year old has had fourteen non-criminal disposals for that system to swing back in and the escalator to get put back in place. Which is how we tend to go in those cycles don't we? (Youth Justice Worker 11)

Almost overwhelmingly the professionals felt that the Bureau panel should be trusted to use its discretion intelligently. This was important to them as the panel is intended to give the correct outcome in each case, for each set of circumstances and for each child, and is supposed to listen to the child; it is not supposed to be formulaic. Furthermore, it is not only possible but intended that in the correct circumstances a Bureau can decide that a child be given a community resolution even if, in a previous case, they received a conditional caution or were sentenced by a court. If the Bureau is trusted in these cases it seems illogical to place a cap on the number of Community Resolutions that can be used. Clearly the decision needs to be fair to the child, the victim, the family and the community but that is true for every case they decide, to fetter their discretion is illogical. They do, however, need to explain their decision not only to the child but to others.

5.4.4.2 Caution and Conditional Caution

A similar problem arose in relation to cautions though people were more accepting at this stage. There were anyway two levels of caution and they could be used more than once so that the flexibility to use discretion was already there.

Generally speaking I would be saying, if you had somebody who has had two youth cautions and was coming through to a third one, they are only half their way to becoming a prolific offender by that point. I think we would have to be, you would have to look very seriously at it. I think there does need to be some sort of cut off in relation to young people realising the consequences. (Youth Justice Manager 3)

However, there were other issues in relation to cautions. A conditional caution can only be given within 14 weeks of the incident and sometimes there are delays, for example the child had been charged and the court had sent them to bureau or the police had failed to deal with a case in a timely manner:

We do experience problems with it, just in terms of you know, time limits and stuff like that sometimes. The ability not to give a youth conditional caution, if that is what you wanted to give. Because we have gone too much time before it gets referred to us etc., etc. Issues about paperwork not coming through from the police, or those kind of things are issues for us. (Youth Justice Worker 1)

5.4.4.3 Send back to Charge

Finally they can send a child to be dealt with through the courts. If this is done it often happens before the child is called to attend a Bureau meeting.

And there are one or two cases where we have felt, no we don't want the case in Bureau. The case might be too serious for Bureau, or there is too much previous offending or the police have made an inappropriate decision or we have tried to work with them in the past and there are problems, we need a court order behind us. ... The police are having quite a lot of challenges with CPS because their standard of evidence is becoming more and more difficult to

achieve. But these should not be in Bureau as they need enough evidence before they get to us. And you have got several cases that don't belong in Bureau. If you put them in Bureau they will not engage so take them up to court quickly. The biggest important thing is getting to work with that young person as quickly as possible. (Youth Justice Manager 2)

This is a very serious decision to make; the child loses a chance to turn their life around. Clearly if there is any possibility that the case has only been sent to the Bureau because the police have insufficient evidence then the only decision that can or should be made is to send it back to the police to decide whether to pursue the case through the courts or to conduct further investigations. Bureau should not be used as a means of clearing up cases that cannot succeed in court. However, if this is not the case maybe the Bureau could do more to give children that last chance. The Bureau could take cases sent by the police, even less suitable cases, and see whether the trust that builds from the Bureau case can help to turn these children around; will trusting, listening to and going on a journey with the child manage to alter even quite embedded behaviour, will it persuade a child to engage even if they have not engaged when on a court order which required engagement. The child may have matured (desistance theory, Laub & Sampson, 2003; Maruna *et.al.*, 2014; Murray, 2010, 2012) and/or being supported, treated as equal, being trusted, the different approach that a Bureau can offer, may be enough to turn the child around, it may reap benefits.

Those that have already been through the court system, who haven't offended for maybe a couple of years, and then have had a minor offence. Instead of the old system, they would go straight back to court. It's giving them another chance really. It gives them the option of not having another outcome on their criminal record. And it can be that they have been willing to so whatever interventions we are suggesting in order to not go down that route. So it's a lot fairer for those who have already been through the court system. (Youth Justice Worker4)

Steve - When I did the previous stuff I was like twelve, eleven. I didn't know what I was doing. I was stupid back then. Like I didn't really care back then. But now I actually do. Like I know what I am doing. I know it's stupid. That's why I was nervous.

Steve had not committed a serious offence nor was there any possibility of his case being sent back for prosecution but he did not know that, he was frightened that might happen because of his previous offending. This quote illustrates the fact that despite having offended in the past he had matured, he understood the possible consequences and although that did not stop him offending, it did mean that he was now both willing and able to respond to help to keep him out of trouble. Before Bureau his case would probably have gone to court.

In one of the Bureau we attended a 12 year old boy who already had a record and, under the old system would have been given a serious outcome, maybe even taken to court, was given a community resolution for exactly the reasons set out above. Escalation might do more harm than good. However, this case was helped because the victim requested a community resolution, it would have been interesting to know what would have happened if that had not been the case. In this case the boy suffered many problems. The youth justice worker had already helped resolve some of them and was supporting him to deal with others. Following his previous offending there had been no such support. It could make all the difference, hopefully he will respond positively to the help now being given.

5.4.4.4 Interventions

Generally Voluntary

Except in the case of conditional cautions all the interventions are voluntary. Being voluntary children can refuse to participate. A number of researchers would argue that in some cases they may be sensible to refuse any interventions (McAra and McVie, 2007 a and b). In fact in light of research like this both report writers and the Bureau should consider before suggesting interventions, the Bureau may be enough.

Q - But did they ask you to go on a course, or anything?

Catrin - I think they did ask me. But I didn't want to. Because it wasn't as bad. Because she was explaining that if I was in a bad position. Pretty much I would have gone into courses and stuff. But I wasn't in that sort of situation.

Q – Did the content of what you were doing benefit you?

Peter - No it didn't, no. the things she was teaching me I already had the general knowledge of. And it felt sometimes I was telling her things, rather than she was telling me.

Peter's Parent - You felt as if you were doing the same sort of thing but with not much structure, week, after week, after week.

However, voluntary interventions are at the heart of many of the outcomes which emanate from Bureaus. They rely on the good faith of the children and in most cases the children willingly participate. Despite an appearance of the interventions being voluntary there is an element of pressure.

But I am very conscious about the fact that they are agreeing in a pressured situation. But the majority of them do go on to see, to do something of what we have asked in the bureau. (Youth Justice Worker 1)

... we put it like this, "If you come in front of us again and you haven't gone to the drug worker, that will be taken into account." So it's sort of, the penny drops. "If I do get caught, I better do this." ... We do say, it is voluntary. We make it so that, we would like them to do it but we also make it in their best interests to. (Community Bureau Panel Member 1)

Where participation is truly consensual and where the intervention is felt to be helping the outcomes have been very positive.

... engagement has improved in our services. And I would say that engagement generally with other workers here as well has also improved as a result of the bureau format. (Youth Justice Worker 16)

But inevitably some fail to engage. This was the only worker who suggested that a lot slipped through the net.

So I was finding, with a lot of those clients, I was coming in to offer the service. They would say yes, yes, as you do to get the NCD and then run for the hills. So the take up rate after that wasn't great. And a lot of them were slipping through the net. (Youth Justice Worker 16)

To counteract this in some areas the Bureau takes measures to try to increase the likelihood of compliance:

.... we have our substance misuse workers on standby for cases where we think they might be needed. And if it's a drugs offence we can bring the person to go straight in to see them immediately after bureau. So that one stop shop. And even if they then don't attend another appointment they have at least had that assessment. (Youth Justice Worker 1)

Voluntary interventions rely on the report writer and the Bureau getting things right, listening to the children and ensuring that the interventions are fair for that child in that situation not that they are the right ones in pure justice terms. As far as possible they need to ensure that the child accepts them as being useful. It is only if the child feels the interventions are fair and are in their interests that they will engage. Where the relationship with the youth justice worker was good and the intervention was felt to be relevant the children were very positive about the experience.

So normally we are looking to get the agreement of the young person prior to writing it into any plan because it is a voluntary intervention. If they think it is fair they will agree and will do it. ... It's about motivation. It's got to come from the individual. You can't force people to change. So you are trying to look for reasons why that young person would do something. And ask them to do it for those reasons. Not for other reasons you need to understand that child. (Youth Justice Worker 5)

[Youth Justice Worker] he was a legend he was. We were just talking about the consequences. What I should have done instead of what I done, all that sort of you know. ... He made me think about what I had done and think about the consequences, all that shit. Sorry about that. [Youth Justice Worker] was a star honestly. He even come to the first day of community service with me. (Gruffudd)

.... it's really opened my eyes to stepping back and thinking about things first. I honestly reckon I shouldn't have got off with it as easy as it was. Because I was wrong. I did judge things before I knew everything. I took it upon myself to upload it onto Facebook, which got out of hand. And also ended up with [victim] getting death threats. Which when I heard that I was shocked. And I really did feel so bad. It's his life, and that video could have ruined it. (Matt)

They also rely on the case worker. Ideally the report writer and case worker are the same person as this permits a relationship of trust to build with the child. However this is not always possible.

Interestingly the need for compliance might well lead to a more serious outcome being used, not because of the offence seriousness but because they want the child to engage. This appears to be a misuse of the system especially if the offence is less serious.

If you need compliance normally you would be looking at the youth conditional caution. (Youth Justice Worker 5)

There was one case ... he was a young offender, you know. I argued really strongly that he should have a YCC because he didn't really engage otherwise. He just completely stuck his finger up to everything else. ... But other team members ... said you shouldn't be using the youth justice system, because of the failures of the system that goes before them. It shouldn't be punitive. It's not our role to be then stepping in to actually address what other people should have done beforehand. They are very strong on that. (Youth Justice Worker 19)

One even suggested coercion to ensure voluntary interventions were completed.

... my idea was, if someone has committed an offence whereby possibly a conditional caution is appropriate, you can say to that person... We think it is potentially worthy of a conditional caution. If you take part in these pieces of work we recommend, come back in a month, and we will give you an NCD as a result of the work completed. ... I was told that idea was punitive (Youth Justice Worker 16)

This might be an acceptable ploy in cases where a YCC is going to be the outcome and, in order to refrain from using a formal criminal outcome one offers a lesser solution if the child complies. However, it would be entirely unjust to do this in cases where the outcome would normally have been a community resolution because if the child does not comply the Bureau would then need to increase the outcome to an official criminal outcome.

All the Bureaus seemed to use a form of gentle coercion / persuasion. They all intimated that whilst the interventions are voluntary if the child failed to engage and came before the Bureau again the fact of non-engagement would be taken into account.

if you come back again and you reoffend again it won't be looked on favourably that you have resisted engagement before, type of thing. (Youth Justice Worker 16)

Utility of Intervention

The children and their parents did not always consider that the interventions were either sensible or effective. Very often they considered an intervention might have helped but that an opportunity was missed:

*... I think he was a bit bored with the content of what he was doing with [YJS]. I think that time could have been used more structured possibly. There could have been like, I know what he did needs addressing, but I think there were other issues surrounding it that could have been addressed ... More like the peer pressure sort of. Like a programme to look at the **** ... didn't seem relevant ... they were trying to dig up something to talk about. (Peter's Parent)*

Length of Intervention

Interestingly, some workers made a very valid point suggesting that the required interventions should always be capable of being completed in a short period of time, clearly the child might choose to continue with interventions if they were useful but as the offences were minor so what the Bureau requested (and tested as success) should be kept within bounds.

If our assessment suggests that there is something that needs doing, then we will set up ... And we will set it up for initially three months. If it needs to go on for longer than three months then we will have a proper look at that, and say, well actually are we the best people to be doing this? (Youth Justice Worker 1)

Shop Bans

There were some outcomes which the youth justice service does not control such as shop bans. However, in many areas the service has worked hard to ensure that these are not unjust:

When one of the security officers first met me she told one of the young people that they were banned for life. And we queried this, For most stores if they are on a certain order with us, they were banned for maybe three months or something... sometimes for life. But that is up to the store how long they want. And it's their decision. But what the store have said is, once you have completed everything you need to do, come back .. and then we will decide whether you come back in. So, with bureau, if I feed back to them and say, look they have really engaged really well. They have done this and done that. And they decide then if they can have them back in straight away. (Youth Justice Worker 10)

Restorative Aspects

The other intervention issues which need to be considered are the restorative aspects. As with other outcomes these are generally voluntary so that the victim needs to be warned that they might not be forthcoming and all YJSs managed this aspect very effectively. There were a number of excellent examples of good restorative work. Some letters of apology or face-to-face apologies. One of the youth justice workers considered it unacceptable to include reparation as one of the interventions from a Bureau though clearly a child might agree to participate in such activities.

Matt - When you see it from what you have writ, it pushes how much you really need to think about things. I don't know. When you say you are sorry isn't like, it's just a thing that falls off the tongue. But when you are writing something to say why you are sorry it changes. The meaning of sorry changes. It becomes more meaningful.

Then two young people, two females, who had damaged a car. So they had taken a pair of scissors, and took the scissors and drew a line all the way around the car with this pair of scissors. And the victim is really distraught. So much so she couldn't speak during the meeting. She started off and then she couldn't say any more because she was so upset. So the victim supporter, her friend, turned out to be a very good supporter. Because she was able to communicate with the two individuals in the room. And the individuals in the room, it was interesting, because one of the girls was sobbing. Her parents were sobbing. They were really sorry for what their child had done. Their daughter was moved and clearly upset, and offered an apology. Where the other mother and daughter were quieter. Didn't offer as strong an apology. ... she had one apology but it was enough for her to have met them. To have heard their story. To see that one of was remorseful. And maybe to see the other one wasn't remorseful, however to have met her. She managed to meet and so could move on. So, you know, it's quite powerful with regards to that respect. (Youth Justice Worker 14)

Some involved reparation. One of the youth justice workers considered it unacceptable to include reparation as one of the interventions from a Bureau though clearly a child might agree to participate in such activities.

Personally I think the reparation maybe should be for court orders. ... because you would never have had that level of punishment if you had had a caution from the police before. And I don't know, I almost feel like, yes the bureau is part of being punished for something you have done. But to me it's more of a supportive function. ... And I also think there are no clear guidelines. In referral orders you have got a certain amount of hours ... if you are on

such a length of an order. For bureau it's just us that will decide, look this is what you are going to do. I don't know. I personally think it doesn't belong to bureau. (Youth Justice Worker 24)

Some victims would prefer a community rather than a personal restorative act:

Perhaps they don't want something personal. They want some community work (Police Officer 12)

... we had a case up in a local village. ... Part of his conditions were two community hours. This hadn't gone to court mind, this is the bureau. So I went up to the village and went to see the people and said, this is what we are doing, what would you like? And it was like a memorial slab he did ... they asked could he sort of tidy whatever like? .. The young boy there worked for about ten or twelve hours till you could see it. The victims could see it. The fact they had, they said although they were victims themselves, they got an outcome of that. (Police Officer 12)

However, the success stories often involved a lot of work with both the victim and the offender, they take time.

I am not saying it all comes together for the time for the bureau because I would be lying. That is not always the case. Sometimes it can take months. It can take months. Once they have had victim awareness work. ... Then they eventually do come round to say, okay perhaps I will apologise. Or I am willing to write a letter of apology. (Police Officer 15)

There are some concerns over some of the differences of perspective about how well the restorative justice works. One of the examples about which workers were most proud concerned a group of youths who damaged a school. The Youth Justice workers and seconded police all saw this as a real success, they were very proud of it and certainly when they described it the RJ did sound very successful, at least for the victims.

A very good example of that is, some teenagers broke into a primary school in a village and they created havoc in the school. Threw the kids work about and very unpleasant. They got caught quite quickly because it was a village. There was a restorative conference organised by my staff here, in the school, with the head teacher, the three or four kids that were involved in it and their parents. And it was quite clear that the kids had told their parents a sanitised version of what they did. They played it down didn't they? Naturally. But the school were able to circulate photographs of some of the damage that was caused to the kids work in the school. And the kids had no wriggle room and the parents were horrified because they had to face, "Well goodness my son did that". I think that alone meant we had a much more accurate account of what really happened and the harm that was really caused. It's that sort of thing I think is a spin off really. (Youth Justice Manager 1)

However, we interviewed one of the children who was involved and their perspective was somewhat different. He had already apologised and felt that he had been unfairly treated when he went to the arranged restorative justice meeting. Also one of the children, although caught, was never processed. Finally, he found the meeting too big, overwhelming and they felt that one of the teachers at the meeting was unfair to him:

Q - When you went to this meeting with everybody, were all the other boys that were involved, or all the other children that were involved in the offence, were they all there?

Daniel - All of them except, well two of them. All except for one. And the one that didn't go got away.

Daniel's Parent - I think there was one who refused to go. He refused to go.

Daniel - And because his Dad was a police officer. And his Dad was fighting for him. And he didn't get charged.

....

Daniel's Parent - In fact I think none of us maybe spoke as much as we possibly should have done. In fact he [Daniel] was criticised by one of the teachers for not speaking up more. But I knew he was very upset. I was sitting beside him. I could see it was taking all his powers, all his concentration to maintain, I could see his hands were shaking. And he was very, I could see he was very upset. And one of the teachers had made some comment. I

knew that [Daniel] couldn't speak very much because he was concentrating so much on. ... Not crying ... Holding everything together.

....

Daniel - Well before we did the meeting we had already been to the school and apologised to the headmaster ... and three other teachers there including the headmaster. My Mum took me alone to go and see the headmaster. ... That was easier. Because he didn't, he kind of understood.

This problem may arise because in most cases the victim is given all the choices, the child offender is then asked to comply with the victim's wishes. Whilst this may often be appropriate in some cases this may be what leads to problems. Victims may be adults and be asking for adult levels of responsibility, these are children and their perspective and needs must be taken into account.

Compensation

The use of compensation generally caused some concern and there disparity in practice. Some YJSs did not engage with the issue at all, some acted as go-between but required the money to be paid directly whereas others will take the money and pass it over.

Compensation, I think is a whole new ball game. ... it's been made clear that it's got to be between them. It's a very dodgy thing for the youth offending service to get involved in, to be honest with you. Because you can't make people pay up the money. If the young person has come to panel with the money, fine. But I think money is a difficult one. (Community Bureau Panel Member 2)

Perhaps we can facilitate it at meetings. We might witness it. But we wouldn't handle it. There was a young lad who was involved in a burglary at a primary school with other children. And his parents were very keen that he made full payment. It didn't matter what anyone else was going to do and he had to do it himself, and it would be done from his birthday and pocket money. But that was an agreement between them and the school and we weren't involved in that process. (Youth Justice Worker 11)

A rather more fundamental problem was about assessing the means to pay and ensuring that the victim understood that if they were only getting a small amount back it was because of limited means.

We talk to young people about what they could afford. But we are not doing a means assessment about what that might be. ... In one case I think there were three or four children involved. So essentially what we did, they said how much they wanted. We split it between four. Each bureau was separate so we had four separate discussions about what they can afford and then the victims want to know what is happening. (Youth Justice Worker 1)

5.4.4.5 Support for the Child

Alongside interventions (things which the youth worker and Bureau think the child needs to stop their offending) is support. Support is generally something the child needs or has requested. If the Bureau is about children first or about preventing future offending and encouraging pro-social behaviour then the needs of the child must be met. In almost all cases the children were asked whether they needed help with anything. In some cases workers listened to the needs of the child and tried to respond to those needs.

Matt - She [my Youth Justice Worker] asked me have I got any worries about anything. And I honestly said no. She thought I had a bit of doubt in my eyes. So she asked me straight to the point, are you sure? And I was like, there is only one thing I am worried about in life. I am not scared of life. There is only one thing I am worried about. And it's my Mum. Nothing is wrong. Erm, she has got a few [health] problems and so on. And what if she pushed herself too hard one day at work and it just goes.

Q - And did [Youth Justice Worker] offer to help you to deal with that?

Matt - She did offer help but I have dealt with it for the past eight years as it is. So I just push through it. I say [to my Mum] I love you when I can. Always when I come home from work, I give her a good old cwtch.

Steve - [Youth Justice Worker] is trying to do it for everything really. Mostly me, to help, so I don't go down the wrong path and stuff.

Q - Did she ask you about whether you needed anything to help you not do this sort of thing again?

Steve - yeah. She did ask me like quite a few things. She asked about support, and if I needed anything else from her, all that stuff. She asked me if I wanted more meetings. But I said no. I didn't think I needed them.

... we become aware at an earlier stage ... of any welfare concerns as well for young people. That may have gone unnoticed previously ... you then can aim to make sure that those needs are being met in some way. Either, not necessarily through us, but through social services, or prevention services, or the local resource solution panel, or the school. By whatever means, if the young person and the family are struggling with something, if we become aware of that, you know, maybe two or three years sooner than we would have done previously, then there is a better chance of addressing those needs for that young person and that family. The long term impact of that is significant then for reducing, definitely offending, but all sorts of other issues as well within families. (Youth Justice Worker 17)

Sometimes providing for the support needs of the child may also support other children:

I spoke to the officer in the case ... he explained about the young person's disabilities. He thinks the motive wasn't for sexual harm. The boy was unable to speak. He kind of touched the woman as she was walking the dog. ... once you do the full assessment ... we find out the special school he goes to, they don't have sexual health education because they have never really thought about it before. So they educationally have had to rethink their policy. (Youth Justice Worker 26)

However, in the cases of two out of the eight we interviewed and at least one of the Bureau's we visited there were clearly problems. Either the child asked for help or it was clear that they needed help and support but none was forthcoming. This is one of the areas where more work may be necessary. The support needed may be more appropriately provided by other agencies and it may be necessary to build up partnerships with other agencies, get them on board to help these children. In the interviews and the Bureau it was an aspect to which the child and/or their parent kept returning (in one case this is reflected in the quotes below).

Catrin - I did say I was going to look into work. Because before Christmas I quit my last job Then I was looking for work anyway generally.

Q - Did the bureau offer to help you in any way with that? With trying to get work.

Catrin - They didn't ask. but I got into work to do something. Because I feel like if I just sit at home I just, my mind just goes somewhere else. I need to do something. I wanted to go back [to college] this year because it would have been a month and I would have finished. ... So literally the whole of that was just a waste.

Q - But you are looking maybe to go back in September are you?

Catrin - If they accept me back. ... Pretty much when she [Youth Justice Worker] came over she said that I should get back into college.

Q - Do you think the bureau could have, could they have helped a bit more on trying to get you a place in college or get you some work?

Catrin - Yeah, I generally just wanted my place back in college. But that didn't happen, they didn't help. I don't think they [the YJS] contacted college. I think they just went to college asking about my background a little bit. And that was it. ... I just felt like, if the police had given me a warning, and like the whole youth offending team or whatever, why couldn't college just give me a warning? That was my question. Why couldn't they just give me a warning about it?... Because that was like a whole year just gone to waste. I was there for two years. I done my first year there. And they were just like, everything was fine. Attendance everything was fine. But just cause I did smoke a joint, they had to completely get rid of us. Which I felt like they could have just given me a warning. And my background in college is fine. If I had like something there. I was on a warning for attendance just before I left. But that was because like, my course tutor was really laid back. She was hardly ever there. I would go in at ten o'clock, yeah it was a little bit late, but she wouldn't be there till ten anyway. And then I would just go in and then she would give us a two hour lunch break or something like that. It's pointless, and I am only there for like an hour. I might as well just go home and do my work. And then when I had my warning I was in college throughout till I had this. Which I felt like they could have just given me a warning. One of

the women. I think she was like a manager or something, she was well annoyed. The receptionist wasn't too bad. ... He has been in some trouble himself. And he was quite sound with me. He was like, it's going to be fine. She was just going on like, no that's it you're done. You are done, your life is over. I was like, shut up. (Catrin)

Peter's Parent - *They actually expelled him from school. They expelled him from all schools but I fought it and went up against the governors. And they reinstated him back to school. ... we changed schools. Because there were issues in school really I think.*

Q - *And are you happy in your new school?*

Peter - *I am yeah.*

Q - *Was it your choice to change, or your parents' choice?*

Peter - *It was my choice.*

Q - *Did [Youth Justice Worker] help you get back to school?*

Peter - *No she could have helped me but she didn't.*

Peter's Parent - *No. It should have all been more about, even now he is like I have failed now. I am not going to get my GCSEs. So in a way that time could have been used to inspire him maybe, to say it's been eight weeks you have been out of school. Build his confidence and reassure him about the whole situation, rather than just focusing on [the offence]. Because he knows what happens. The schools haven't even communicated. So there are big chunks of work missing that haven't gone in now towards Welsh Bach. And the courses that were, like the applied sciences, he is well behind now aren't you?*

Peter - *Yeah, I have basically lost it.*

The Bureau did well to ask about support supplementary to the interventions which the professionals may deem appropriate. We found that most of those we interviewed did not feel they needed any extra support. However, where support might have been useful it was not forthcoming. It seemed to the researchers that the youth justice workers could have and should have done more to discuss support and agree what might be both possible and appropriate. The support might well be provided by other agencies or community based organisations such as schools, social services, colleges, youth groups or community projects. This support would not necessarily be formal, it is not an intervention, and its character and provision might be fluid and would need to be discussed with the other organisation. It might be a one off meeting or other support or might be long term e.g. mentoring. At its core though it needs to provide support in the area which has been identified by the child or which, from the meetings it is clear that the child (and/or their family) need help with. Responding to the needs of the child in a flexible, individualised and non-offence focused way is essential to ensuring a positive and forward looking child first approach.

5.4.4.6 Understanding the Outcome

It was interesting to note that whilst most of the children had a general idea of the outcome they did not all understand what the decision was and what it might mean for them. This was surprising as at the Bureaus we attended the outcome was very clearly explained. It may be that the child and his/her parent are under so much stress at Bureau that they are less able to process and remember all the information they are given. It might be sensible to provide the information again orally and in writing after the Bureau and both versions need to be in simple, everyday language like that used at Bureau.

Q - *And did you understand what the end result was then?*

Catrin - *Some lifetime warnings. I don't; know what it was. I can't remember the name of it. I think it was more like a street warning.*

Q - *Did you understand the outcome?*

Matt - *Yes, non-criminal disposal. So that's helped me push towards my career.*

Q - *Did you understand the outcome?*

Daniel - *No I think they said I had to do three things. Which was help at school, make sure I never do this again, and speak with [Youth Justice Worker].*

Q - *Do you know whether you have a criminal record?*

Daniel - *I don't think I do.*

Daniel's Parent - *I think we are unclear on this one. We are not quite sure ourselves.*

Q - *Were you given a caution when you were in the room?*

Daniel's Parent - *We are a little unclear on that one as well. We thought that he was given a youth caution. Although somebody told me that they have to use a certain word. ... a certain formula of words, as far as I can tell, wasn't used. But when [Youth Justice Worker] came he said that [Daniel], I think he said that he had a youth caution. I think he said that.*

Key Findings

- It was generally agreed that in most cases the Bureau should only use one community resolution in 12 months but almost all professionals felt strongly that they should have flexibility and be trusted to use their discretion wisely.
- Bureaus had all sent children back to the police for their cases to go to court. This was usually presented as proof that they were responsible. Is that necessarily the case? Once the Bureau has a clear ethos these cases may be easier to decide.
- Good practice should ensure that interventions are just, properly focused on that child and that therefore the child will be willing to comply, largely this seems to be what is happening. However, some interventions missed the mark, maybe listening to what the child needs (support) as well as or even instead of concentrating on interventions focused on behaviour change would sometimes be more successful.
- All the YJSs used restorative practices when they could and there were a lot of examples of excellent practice. However, care needed to be taken to look at these from the child's perspective.
- Compensation caused problems for all YJSs and some avoided dealing with it altogether.
- One area where the Bureau was weak was in the provision of support which would not be part of an intervention.

Recommendations

- The Bureau panel should be encouraged to use its discretion to award more than one community resolution in any 12 month period. It should justify all such decisions, explaining why the decision is appropriate in each particular case.
- In serious cases, where the Bureau is considering returning the child to the police for the case to go to court, they should think very carefully and remember that children mature (desistance theory) and that they may now respond positively to the support and encouragement offered by the Bureau even if they had not done so in the past.
- The need for compliance should not lead to a more serious outcome being used.
- Interventions should be limited and it should be possible to complete them in a short period of time.
- Bureau should think carefully before including reparation or compensation as an intervention.
- Restorative justice was generally very effectively used but in some cases the professionals needed to consider the situation more from the perspective of a child and remember, and remind the victim that they are not adults.
- The YJSs might pool knowledge about compensation and try to agree on best practice.
- All YJSs need to increase their partnerships to ensure that they are in a position to either provide or facilitate individualised support which helps to prevent offending and encourages the child to build positive social behaviour allowing them to flourish.
- The outcome needs to be explained both orally and in writing after the Bureau, preferably a day or so after the hearing so that the child and his/her parent/carer are better able to understand it.

5.4.5 Reasons for Decisions

The outcome is what happens to the child but as important to this process is why that outcome was chosen and, in particular, why certain interventions are thought appropriate. All Bureaus both noted down and explained to the child the reasons for making the decisions.

We always explain to the young person why we are giving them an outcome. Which I think is important. They need to know our thought processes. So if they are having a community resolution after a YRD we explain the reason to them. But we also explain it stops here. Because you can't have more than one community resolution. (Youth Justice Worker 13)

The children generally seemed to understand the reasons for the decisions though this was not always the case.

Q - Did you understand why they made the decision they made?

Peter - No not really.

Q - Do you understand that now?

Peter - No, no I don't.

Q, to parent - Do you?

Peter's Parent - Not really.

Because of my attitude towards the crime and I was prepared to make up for it. ... And have not been in trouble before. (Rhys)

Q - Did you understand what they were saying in the bureau?

Peter - Bits and bobs yeah. I think I was catching the key points

... And they even took into account that I wanted to make amends an whatever. They explained that they made that decision because of how I was acting. I was acting as if I really was sincere. And I really was.. I am ... I have written a letter of apology (Matt)

However, those decisions appear to be rather formulaic and do not take enough account of this particular child and their particular circumstances. That was certainly the impression we got from the Bureau we attended and arose again at some of the interviews. Whilst recognising that much of that is contained in the report and the fact that a number of Bureau commented that something the child had done had helped (particularly being compliant or willing) it is clear that more was needed. The reasons need to address the justice issues and in a few of the cases observed far more needed to be made of the underlying factors than happened in the Bureau, in fact it appeared in two of them that the Bureau panel were not listening to the child or did not know how to respond to what was being said. In both cases their rationale for their decision should have addressed what the child had said.

Key Findings

- Reasons for decisions were rather formulaic and written for fellow professionals
- Reasons for decisions were not always understood by the child and his/her parent/carer.

Recommendations

- Reasons for the decisions need to be more individualised and take more account of what children say.
- The way in which they are written needs to change - be written for the child not for adults.
- Children should be given a copy on the day and sent another in the post, both versions need to be in simple, everyday language.

5.4.6 Speed and Delays

All of the professionals felt that the speed of the process was important. A number of workers felt that the Bureau system took too long and suggested that it should all be completed within two weeks.

Something could happen yesterday, and we would have it today. That's how quick it can be. In other situations, because of outstanding issues, and uncertainties in the police then that could take a little longer. You know, it varies. (Youth Justice Worker 8)

I think it' needs to be two weeks. We should be able to do an Asset, and then a bureau within two weeks. .. I think they allow three weeks. But then we are fitting very fine into the bail conditions. So I think it would be better if it was two weeks. .. If I am going to be on leave then give it to someone else. Or allocate it so it's achievable to do in two weeks. (Youth Justice Worker 10)

The present system allows 3-4 weeks. Even in this longer period there were delays and those delays can have very negative consequences for the child.

There are on some. They tend to be the more complex ones. For example, the lad I am working with the internet offences. That took ten months for an arrest. He was arrested and interviewed on the day. As it happened, about a week before on the internet, the other boy mentioned it to his parents, they contacted the police, he was arrested that afternoon. Admitted it in interview, but it didn't come back through to us for ten months, which is a significant period of time to be on bail. He was actually quite resilient and he has been okay, but the potential consequences in terms of accessing education, training, all those good things are quite significant. (Youth Justice Worker 11)

Peter - If I could have went back I would have went to court. I could have went to court. I think I would have went through a faster process, the process would have been faster. I would have been able to speak exactly how I felt. And everything that had happened. Explain myself. And it would have been done in a couple of weeks, not months. It felt like it was a long, long process.

Peter's Parent - they sent us away with a letter saying this is what will happen. It will go to bureau. There is the possibility it could go to court. We were quite alarmed at that stage. Because when they first rang the house for interview the police officer had gone off duty. So we couldn't speak to anyone for two days. So he was quite upset that we had the two day wait. Then there was another wait then. Plus at the same time he had been taken out of school. He was out of school for about seven or eight weeks. So this was very disruptive. ... Sitting in the house waiting and waiting. Then I got him into school and he would see [Youth Justice Worker] at the same time. So he would have a full day of adapting to a new school, then come down here and see [Youth Justice Worker]. So it was quite a lot I think for him to take on in one. (Peter's Parent)

To miss 6 or 7 weeks of school is very disruptive to the child's education, it is likely to have a negative impact on their life chances, particularly if that hiatus happens in a GCSE or A level year.

It was suggested that if police processes altered it might help to alleviate problems of delay and issues concerning the moving of a case from one area within Dyfed-Powys to another.

Q – If a police officer is dealing with a child and then happens to go off shift, or was taking annual leave, would someone else take that over to meet the gold standard, or does it stay with that officer?

Police Officer 25 - To be honest, yeah it would stay with the officer.

Key Finding

- In order to facilitate effective interventions and restorative processes everyone understood that the process needed to be completed in as short a period as possible. Some workers felt the present 3-4 weeks was too long.
- Delays in getting the children into the system interfered with its effectiveness. That was unacceptable.

Recommendations

- Police procedures such as those which delayed a Bureau case whilst a co-offender's case goes to court need to be questioned and dealt with
- Single officer responsibility for each case is causing some delays and might, usefully be reconsidered.

6. Post Bureau

6.1 Monitoring

6.1.1 Data Handling at the Bureau

The Youth Justice Board considers it important that local processes are established to monitor and evaluate the effectiveness of work the YJSs undertake (Ministry of Justice and YJB, 2013: 22). Whilst three of the four YJSs collect data relating to the Bureau cases in the form of spreadsheets each area has devised slightly different models for data collection. Some emphasis was placed on the ability of the new case management system ASSETplus to provide more automated solutions but there was some uncertainty in relation to the exact detail. The data recorded is mainly used as a record of Bureau cases in order to allow for an aggregation of information to allow the production of management reports and national data requirements. However, there are examples where individuals ('data champions') within the YJSs have taken it upon themselves to provide some more detailed analysis. These 'data champions' are critical to the recording and retention of the management information and examples exist where considerations such as location of offending and links to problems within school have been identified through this mapping and analysis activity.

There is the potential for more to be done in relation to standardising the data collection process across the region, automating this process to reduce the administrative burden, and as a result, maximising the ability to analyse the data. Each Bureau highlighted the lack of analytical resource, but on a regional and multi-agency level there may be opportunities to utilise shared resources. The current format of the data was evidently problematic for any enhanced analysis for example, we wanted to know whether interventions had been completed but this was not part of the dataset so could not easily be traced. This example highlights the restrictions of current data management solutions in allowing robust evaluation of interventions.

.... the YOT management boards I know scrutinise data. But they don't look at individual cases But they look at trends and patterns. (Police Officer 28)

Key Finding

- Each of the Youth Justice Teams collected information about the Bureau but did little with that information.
- The information collected was not uniform rendering comparisons very difficult.

Recommendations

- All the teams should agree on a core of data they want to collect (each team may add to that agreed core). They should also record the data in an agreed format e.g. an Excel spreadsheet. Each of these would facilitate data analysis and comparisons between areas.

6.1.2 Case by Case Evaluation

One worker explained that they quality assessed each other's cases, reports and Bureau decisions as an informal peer assessment. This seemed a very good idea and it might be sensible for the 4 YJSs to conduct internal quality assessment and for them to quality assess each other once every 6 months or annually.

So when a report comes to [Senior Worker] now, she has to QA. And if she is not able to because of capacity we have monthly case manager meetings, where ... we will pull a file, whether that's statutory Bureau or prevention. Then the case manager will peer QA. So they are all learning from each other. So it's not like managers down

being oppressive, it's about working cross ways and trying to get practise of a better quality. (Youth Justice Worker 26)

Every professional recognised that more could be done to ask the individuals about their experience and to learn from that. One person suggested a follow-up Bureau meeting, rather like those conducted by post-court panels.

I think there should be another meeting with the young person and their parents again, and have that sort of discussion about the effects. ... I think that would be much better. ... And to have another report from the worker. It doesn't have to be long. (Community Bureau Panel Member 4)

Key Finding

- Internal quality assessment or case evaluation took place in some areas, this tended to form a part of a team meeting.
- No area collected either qualitative or quantitative follow-up data.

Recommendations

- Areas should agree on what follow-up data (qualitative or quantitative) should be collected and how this should be achieved.
- All youth justice teams should conduct regular internal quality assessment or case evaluation. These should be supportive peer-reviews and intended to facilitate learning rather than find fault.
- The four Youth Justice Services should arrange annual or 6 monthly meetings where cases are peer reviewed so that they can learn good practice from each other.

6.1.3 Evaluation against External Expectations – The Scrutiny Panel

The Office of the Police and Crime Commissioner (OPCC) of the Dyfed Powys Police area has established an Out of Court Disposals Scrutiny Panel in order to *'independently assess, scrutinise and quality control the use of OoCD, by Dyfed Ponys Police. The panel can make recommendations, feedback on individual cases to officers, communicate findings, promote best practice and identify potential policy development or training needs for consideration by the force or other agencies involved.'* (OoCD Scrutiny Panel Terms of Reference, 2014). A few workers were proud of the scrutiny panel seeing it as a way of checking and validating their decisions.

... as part of the bureau, we record our decision making. ... We are being scrutinised by headquarters. And they dip into some of the young people going through bureaus, ... It makes it transparent, to make sure we do the right thing. (Police Officer 12)

... we have got a scrutiny panel, which now looks at cases randomly. ... So they pull cases randomly just to check on the outcomes of stuff. ... Again that consistency. ... They offer some robustness to it. ... for me it was useful to have that sort of somebody else. Because it's magistrates, chief police officers and solicitors, and goodness knows who else sits on that. ... It probably could be more cases. (Youth Justice Worker 20)

As non-participant observers we attended one of the scrutiny panels. At this panel disposals concerning children were discussed along with adult disposals. This caused some confusion during the deliberations and in some instances the sentencing guidance for adults was mentioned even though not appropriate to the child's case being considered. The YJS manager in attendance often had to remind the panel that the particular case in question related to a child. There was no representation from a Bureau practitioner. Magistrates were represented but are not involved in Bureau cases. From the one Scrutiny Panel which we attended it seemed that most of those present were insufficiently briefed on the Bureau and they were not experts in the youth justice system, indeed some of them did not seem to understand the system used for child offenders. In these circumstances it seems they may not be best placed to scrutinise Bureau cases, either a different body might be set up or the members of this body should be fully briefed about Bureau and its aim and ethos when deciding on outcomes for children. At the very least it would be beneficial to

have a separate agenda item for child related OoCDs in order to clarify that there are different processes and procedures at play, in particular the role of the Bureau.

Key Finding

- Scrutiny was not always at a youth justice level, sometimes adult standards and rules were applied.

Recommendations

- The OoCD Scrutiny Panel needs to enhance its awareness of youth justice standards and issues and decision making in relation to children.
- The OoCD Scrutiny Panel should separate out child cases from adult cases. It might even be sensible to hold two distinct meetings with different experts present.

6.2 Impact on Children and their Offending

The impact on the children and on their offending is difficult to assess because of the lack of data. To draw more general and definite conclusions about the impact on children we would need to have interviewed more children, unfortunately that was not possible. There are some conclusions we can draw but these need to be tentative. Firstly, it is evident that many of the children are not ‘criminals’ but have done something they should not have done. Many are unaware that their acts are criminal and the Bureau both gives them a second chance and teaches them to think more carefully before they act, to consider consequences. They don’t want to be in trouble so are often willing to learn to behave and therefore voluntarily participate in the interventions.

... a lot of these [Bureau] children don't have complex needs. Therefore ... they are able to engage very quickly with say the concept of peer pressure, or decision making. It gives them an opportunity to reflect on what they have done. And ... think, well actually ... understand how anger works, why you become angry, what the triggers were. That may be just enough, that's all they need. Whereas other children, more complex, tend to require you to build relationships before you can engage with that. Sometimes with some of them there is no point doing that cognitive work until you have got that trusting relationship. (Youth Justice Worker 11)

It's important just to give them some self-esteem really, self-worth as well. (Police Officer 7)

As is evident from the most of the eight that we interviewed were pleased with their experience. And workers reported other cases where children had clearly benefitted.

Matt - it's really opened my eyes to stepping back and thinking about things first. I honestly reckon I shouldn't have got off with it as easy as it was. Because I was wrong.

Q - Do you think the bureau was fair in your case?

Matt - Definitely. [my Youth Justice Worker] was supportive, friendly, the lot. She said if I needed help with anything to come and see her and she would help me with it. Whether that's finding an anger management counsellor, or finding out coping methods. ... And she said, whether that's just now, whether that's in the next few days, or whether that's like next year.

Gruffudd - I think it was more than fair. I should have got a bit more punishment for the crime I had done, to be fair. I feel like I got let off very easily. But it has taught me a lesson at the same time. It was a really like easy to do. It was an easy process. But you learn from it anyway. You wouldn't want to do it again put it that way. I think they need to be a bit more strict to be fair.

Q - They were too friendly were they?

Gruffudd - Yeah, which isn't a bad thing really. But if you are punishing someone, they shouldn't be friends with them should you, I guess? Friendly with them. Like in high school I never got told off nicely by a teacher.

Q - And did you learn from being told off by a teacher? Or did you learn more from the Bureau?

Gruffudd - *I learned more from, I don't know really, actually that's a very good point, that was a very good point. I learnt more from the teachers that were sound and from the Bureau. That is a very good point.*

Dafydd - *Then I got a community service thing down at ***, then they gave me a job.*

At one Bureau we attended the YJS had helped the child get a job before he went to Bureau and that had helped to turn his life around (for a full account see The Passionate Belief in the Bureau, above). He was so grateful and the job had clearly opened up all sorts of possibilities and given him a new purpose to life, it had improved both his prospects and his happiness.

We have had one young person that stole from a shop in town. And he was homeless at the time. And the shop owner ended up giving him a job... So that was really good. (Youth Justice Worker24)

... gave a non-criminal disposal to a young lad who had took some property in a local factory .. he agreed to do a bit of reparation and apologise. Which he did. .. the owner.. said, "If he works well on the first day and is remorseful, I am going to offer him a job." Of course we didn't tell the young person this. He just went, did a good days reparation, he apologised. .. And as a consequence to that he offered him a job. And he has now got a full time job. (Police Officer 3)

There was also a feeling that the Bureau prevented children and their families from facing very serious consequences when their offending was not very serious at all.

... we can make sensible decisions about difficult cases. ... previously they were out of our hands, in court and we just looked at a massive court list thinking, oh my god, can you believe that's in court? This poor family have had to be dragged into the court room because their child has done that, doesn't make sense to anyone. Now we can make sure that we pick the outcome for a child. ...yes the net has spread wider but now it's more about how dealing with it in a sensible way, which is far better. Making sure the victims are served, and children get the right message too. (Youth Justice Worker 8)

Key Finding

- The impact on children generally appeared to be very positive though there is not quantitative data to prove that.
- There were some who suffered, especially those who lost time in school or college (see above the discussion about 'support for the child' and 'speed and delays'.

Recommendations

- As suggested in previous sections the Bureau system needs to ensure that the child is always listened to and that the YJW not only addresses criminogenic needs and those which arise from assessments but also those the child sees as important.

6.3 Effectiveness of Bureau and Its Impact on Offending

Overall effectiveness is difficult to assess partly, as will become evident below, because the Bureau has not been in operation for long enough but partly, also, because the meaning of effectiveness is difficult to define in relation to Bureau. Until it's clear exactly what the ethos behind the Bureau is it is not possible to evaluate the extent to which it has achieved its aims. Here we have assumed certain aspects, such as reductions in FTEs, diversion, net-widening, reductions in re-offending, cost and justice are important to effectiveness whatever the ethos may have been.

To draw more general and definite conclusions about the impact on offending behaviour we need to evaluate the bureau over a longer period of time. What we would like to have reported on is whether:

- the interventions are generally completed;
- the post-Bureau decrease in first time entrants (FTEs) is down to the Bureau or purely explained by other factors or by a general downward trend;
- youth offending decreased or whether is it just that more are being diverted;

- there is any indication that in fact more are coming into the system maybe because people think that Bureau will not hurt them; and
- the Bureau really alters behaviour, whether it really reduces offending or just delays the point at which children enter the system. So in individual cases the question would be whether the Bureau had successfully prevented further offending.

Some of these may remain impossible to assess others we could answer by re-evaluating in 18 months time. However, we can suggest some conclusions from the qualitative data but it is important to remember that these are merely impressions, they are not definite findings. All workers stated that the completion rate for interventions was high.

... out of all the, it has got to be one hundred and thirty/fifty kids, there is only one I have ever breached on a YCC, and taken him back to court. (Police Officer 3)

A related issue is whether the Bureau helps to prevent repeat offending by those who go through the Bureau system. We tried to follow a cohort of youths from one quarter into the next. Unfortunately that was not possible for all areas. Where we have figures it is clear that repeat Bureau visits are very rare, well below 10% which suggests that Bureau is far more effective than other ways of dealing with child offenders (similar figures are found in the Swansea Bureau). The figures are very low and the time-period over which we can follow them is so brief that we do not feel they are sufficiently reliable to draw firm conclusions nor even to quote precise data here. What can be said is that reoffending levels were lower than for statutory cases.

I get the feeling that fewer of the children and young people reoffend than would be the case on court orders ... I think it's too soon to say one hundred percent but that's the feeling I get, yeah. (Youth Justice Worker 24)

From the data we were given it was not possible to tease out whether the repeat appearance before the Bureau were for an offence which pre-dated their first Bureau appearance (from interviews we are aware of at least two cases that fall into this category) or were genuine lapses. From the little we have been able to ascertain and from the interviews with both workers and the children the Bureau appears to have been very effective at preventing future offending. The workers felt that the combination of the Bureau and intervening early in the child's career so as to nip bad behaviour in the bud was having an effect. They felt that fewer were re-offending and that this was therefore having a positive impact on the children, their families and the community. However, again it will only be possible to properly assess this once we have data covering a longer period.

An important question in times of austerity is whether Bureau leads to a greater overall cost or a saving. A number of those interviewed referred to cost. Some were uncertain as to the cost implications.

The costing factor. ... I don't know whether that saves money or not. ... obviously they do proactive work and restorative work with them. Does that cost less in the long run? I don't know. I suppose it's very early to tell yet because they have only been running for a year. It would be interesting to see the cost implications. (Police Officer 7)

I suppose if you look at it in its broadest sense you could argue, if you keep them out of jail, you reduce the cost to the taxpayer then. That is a plus. (Community Bureau Panel Member 3)

Again, when considering the cost, we are not able to conclusively prove effectiveness but there appear to be clear benefits emerging. Under the old system each child tended to start by being given a warning or final warning (often given for a first transgression) in the police station and then, for later offences, progressing on to court even if the offenses were not more serious because there was an assumption that the child had failed to learn and needed a greater punishment. The first one or two disposals (warning and final warning) were very cheap to administer, involving only a single police officer. Any further transgressions attracted a court appearance, a costly process. Whilst the Bureau, with its assessment, its

panel and its interventions are more costly than the old warning system the fact that people can now move up and down the seriousness ladder and that the Bureau appears to prevent re-offending more effectively will mean (if it is correct) that there are fewer court or Bureau hearings in the future and this is certainly a cost saving. It is also a saving to the community as there will be fewer victimisations.

Justice is another scale on which one might evaluate bureau. Whether the Bureau is, overall, more just is often a rather subjective evaluation. However, all the interviews suggested that despite some problems, overall it was a just and fair system. It was just to the children, to their families, to victims and to communities. However, there were some aspects which need to be taken into consideration.

... the young person got himself involved in a situation that was a neighbourhood dispute between his parents and the neighbours down the road. And they all basically had a falling out and a slanging match. And the young person was the only person who got charged with anything. ... it's quite difficult isn't it for him to learn appropriate behaviour form that situation is very hard. ... There was nothing fair or just about it. (Community Bureau Panel Member 4)

... we had ... two young people ... who ... went to court, got referral orders. Another boy who was involved with it got straight to bureau, and we gave him an NCD. Another boy went to court, pleaded not guilty, and they dismissed it. Because he pleaded not guilty. There are some uncomfortable things sometimes around those sorts of things ... I accept the fact that, you know, we should be looking at individuals, and it shouldn't just be about the offence that has been committed. But actually to be dealt with in such different ways hasn't felt that fair. ... It's about justice. And it's about the difference between whether they have a solicitor there or not. (Youth Justice Worker 1)

Key Finding

- From the rather rudimentary quantitative work we could do it seemed that the Bureau in each of the four areas was effective. It certainly seemed to lead to both higher completion rates and lower rates of re-offending. Certainly all the qualitative information pointed in that direction.
- Taking all aspects into account the Bureau seems to be cheaper than the old system.
- Taking all aspects into account overall the Bureau is more just than the old system.

6.4 Impact on Youth Justice Service

The statutory work (court work) of the YJSs has declined but, as noted above, statutory cases have declined across the whole of England and Wales so whether this is due, in part, to the Bureau and, if so, how much it has contributed is very difficult to assess.

We are seeing much less statutory orders. You know, with those national standards and this restricts the way that we have to work. ... Bureau is a different ethos if you like. (Youth Justice Worker 8)

However, far from declining the workload for youth justice workers is actually increasing; for many the increase is substantial. The nature of the work is altering, most of it is with children much earlier in their criminal careers, such as those who attend Bureau and preventions work. However, there is still a core of habitual or persistent offenders with whom some of the YJS staff work. Importantly, there is also a growing amount of victim work.

My workload has increased quite dramatically.... It has increased my workload by tenfold at least. (Youth Justice Worker 14)

It has also altered the way in which work needs to be undertaken. The worker cannot rely on compulsion but needs to persuade a child to participate and this often needs them to build a relationship which can be time-consuming.

I suppose in some ways it has because there is not that compulsion there is with a statutory order. You have got to develop that relationship. You have got to get that young person to want to do something, to want to work with you. (Youth Justice Worker 1)

These changes have a knock on effect for youth justice workers and for other agencies. The changes which result from the Bureau have been noticed and embraced both inside and outside youth justice

It's certainly reinvented us a little bit. Because the news is out there. My colleagues in child protection, health, education, are now fully aware of this thing called the bureau. It's carved out of much larger role for us in terms of pre-court work. We write many more assessments and reports than we used to. In order to have an effective assessment and team meeting we talk to health workers, we talk to the educationalist, so and so forth. So our voice actually has been louder that way with other professionals, whilst making the case for diversion. (Youth Justice Worker 2)

With statutory work there is a legal requirement to work with these children. However, with those who come through Bureau or are part of the YJS's preventions work there are no legal requirements. This generally means that youth justice workers have to be particularly vigilant to ensure that they build a good relationship with the children, so the child will engage and therefore can be helped to alter their behaviour. For a number of areas this meant they worked hard to ensure that the same worker carried out the assessment and the intervention, stayed with them so they could build a good rapport, could build trust.

... not only do I assess and write the report, I work with the kids. So I have an all role professional interest in what happens to that young person. It's cradle to the grave stuff, in terms of their journey through the criminal justice system. We don't have a production line approach with different people bolting on different aspects of it. (Youth Justice Worker 2)

In a time of austerity there will be pressure to cut services to youth justice and related agencies such as youth work and social work. To reduce the input would be counter-productive and lead to more offending, more victims and more destruction within and possibly even devastation of local communities. Investment into youth justice and other youth services can help to reduce youth offending but also, as the ripple works though, reduce adult offending which can only help to deliver safer, healthier and happier communities. It is certainly appreciated by some other agencies.

... many agencies I think rather like what the bureau is doing, in diversionary terms. My colleagues in child protection for example love it. They think it's great. (Youth Justice Worker 2)

Apart from forcefully arguing their corner when budgets are discussed the only other way to protect funding is to let people know about the excellent work that is being done, make them aware of success stories and how the Bureau and other non-statutory aspects of youth justice work are protecting children, promoting pro-social living, reducing victimisation and so improving life in Dyfed-Powys by helping to build communities people want to live in. There needs to be more publicity of the work being done.

We need to promote it a bit more. (Police Officer 15)

I do think that's important that people out there do understand what is going on. ... I tell people about the bureau but perhaps some write up about the bureau, so it gets out to people that don't know about it, would be a good thing actually. an article in the newspaper about the bureau. So that people understood it, and what it was about, and what they were trying to do. (Community Bureau Panel Member 2)

Key Finding

- Bureaus have involved a higher work-load for youth justice teams.
- The type of work has altered moving from compulsory, statutory, work to voluntary interventions with children who are much earlier in their criminal careers.
- It was noted that the Bureau work required them to build a relationship between themselves and the child but that once this was done it was often easier to engage the children and to alter their behaviour patterns towards more pro-social modes of behaviour.
- There was a fear that as their statutory work declined so their funding might be in danger which would place all this excellent work in jeopardy.

CONCLUSION

Overall the Dyfed-Powys Bureau system is innovative and successfully diverts children out of the court system and places children's welfare at the centre of decision-making. It allows the youth justice service in Dyfed-Powys to engage directly with children and their families and to deliver a more positive, rights-based service which places children and their interests at the very centre of its work and so promotes more positive behaviour. By placing children at the centre it facilitates workers understanding both of the children's offending behaviour and of their needs. This is done whilst also ensuring that victims, and their needs and interests, are also central to the system. The Bureau works well and is appreciated by all those who work the system as well as by the children whose cases are decided at Bureau. Whilst victims were not interviewed the workers clearly feel that it is generally providing victims with a service they appreciate and support. Our overwhelming conclusion therefore is that the Bureau system works well for children, their families, victims and communities.

Although we are not yet able to find clear quantitative proof of effectiveness all the indicators are positive. In this it seems to be emulating other Bureau in Wales. There is every possibility that the Dyfed-Powys Bureau could be even more effective than that in Swansea. As one worker put it:

I used to work in [urban area in Wales]... I have to say there is a totally different culture. Crime identity wasn't buried. It was a badge of honour in effect. So you would have families, generations, where they were of criminal intent. Their lifestyle was criminal. And by default their kids were already on that train. And actually was much more condensed. So you would have gangs within communities. [rural area in Dyfed-Powys] is so sparse in population in some respects. You might get somebody who is a pain in the butt in [Town A], but doesn't get to see the kids in [Town B]. So doesn't actually doesn't influence that. So it's much less obvious. And because you haven't got generation after generation, I feel the work we are doing in [Dyfed-Powys] is much more impactful. So you can get to the core of the problems very quickly. Whereas somewhere like [urban area in Wales] there are barriers you have got to get through, and might not. So you spend more of your time controlling behaviour as opposed to supporting to change. ... You do get a chance to make a difference at a much earlier point in a child's life. And where a kid is not being influenced by factors that are entrenched. (Youth Justice Worker 20)

All of this suggests that the rural areas, where criminality may be less entrenched might be even more successful in diverting children and supporting them to live more promising and socially acceptable lives. Certainly many of the anecdotal stories suggest that will be the case. But, as one worker noted that will only be the case for as long as the Youth Justice Services and agencies who support their work continue to be properly funded.

I know anyway, how hard it is for young people who have done something wrong, to not only forgive themselves, but be accepted again into society. And all those kind of things that go with that. And actually they might be behaving really badly, but they are frightened children inside. They are not bad inside. And they are not bad people because they have done something bad. But they feel they are. And they feel rejected by society. They need support to change both their behaviour and that belief. (Community Bureau Panel Member 4)

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Appendix One

Key Findings and Recommendations

Key Findings

- Whilst each person had some idea of the ethos behind the Bureau there was no consistency either within or across areas in Dyfed Powys, some workers had very little understanding of why the Bureau had been introduced.
- Most mentioned restorative justice but had a fairly narrow view of that
- Training was inadequate, in many cases no formal training had been received by staff though some were involved in the design of the system and others had received brief introductions in meetings etc.
- Police training relating to Bureau has been focused into roles such as custody sergeants.
- Training of staff was inadequate
- Training of other agencies was inadequate, indeed some had not even been fully informed about Bureau.
- Permitting more police officers to experience secondment (even of only a few weeks) with youth justice permitted a sharing of skills and a broadening of the understanding of each other's roles.
- The number of YRDs issued is reducing but they still account for a larger proportion of all outcomes used for 10-17 year olds.
- A few within the Youth Service advocate for YRDs to be stopped and referred to the Bureau process although most feel that they have a place in the wider toolkit available for dealing with children.
- Some workers were nervous about what they thought was inconsistent and/or inappropriate use of YRDs.
- YJSs are not generally consulted about decisions to charge nor do the police routinely ask them for information they may have about a young person, especially when the offence is serious.

- A number of YJSs would like to be consulted and/or have the opportunity to contribute information.
- The initial contact with the police can have a long-lasting impact on the perceptions and feelings children have of the police.
- It is evident that some children who have committed relatively low level crimes are being detained for extended periods of time.
- There are a number of problems with a few cases sent to Bureau:
 - there may be delay especially since the offence was committed though this may be due to a slow investigation;
 - insufficient information is passed to YJSs;
 - A few cases are coming through where there is an admission but insufficient evidence to charge, even some with no admission;
 - There may be a tendency to believe that the Bureau can only help and therefore should be used even in very trivial cases, this would be a mistake.
- There have been cases where the lack of legal representation has meant cases have come to Bureau which should not have been sent.
- Most YJSs conduct a home visit and complete a full assessment on all of the children.
- Some would like a screening tool so they just had a brief home visit and no full assessment on low risk cases. One has already designed such a tool.
- All YJSs work with victims and consider that work very important, some have more trained staff and capacity than do others.
- The reports are professionally prepared but are only available on the day of the Bureau.
- The lay-out of the rooms used for the Bureau was often inadequate or less likely to lead to an effective restorative approach.
- There was inconsistency over whether police officer who attended the Bureau meeting should wear a uniform and, if so, what that should consist of.
- The atmosphere of the panel is set by the person who leads and often reflects their agency – police or youth justice – approaches.
- As will be seen later some parents and children found the process confusing, certainly adding the apology/restorative element was very confusing for the family we interviewed.
- In most cases the outcome was decided at the pre-Bureau panel meeting.
- The children were fully included in the Bureau process but at times needed to be listened to more carefully.
- Supported to find a voice and therefore empowered.
- It was generally agreed that in most cases the Bureau should only use one community resolution in 12 months but almost all professionals felt strongly that they should have flexibility and be trusted to use their discretion wisely.
- Bureaus had all sent children back to the police for their cases to go to court. This was usually presented as proof that they were responsible. Is that necessarily the case? Once the Bureau has a clear ethos these cases may be easier to decide.
- Good practice should ensure that interventions are just, properly focused on that child and that therefore the child will be willing to comply, largely this seems to be what is happening. However, some interventions missed the mark, maybe listening to what the child needs (support) as well as or even instead of concentrating on interventions focused on behaviour change would sometimes be more successful.

- All the YJSs used restorative practices when they could and there were a lot of examples of excellent practice. However, care needed to be taken to look at these from the child's perspective.
- Compensation caused problems for all YJSs and some avoided dealing with it altogether.
- One area where the Bureau was weak was in the provision of support which would not be part of an intervention.
- Reasons for decisions were rather formulaic and written for fellow professionals
- Reasons for decisions were not always understood by the child and his/her parent/carer.
- In order to facilitate effective interventions and restorative processes everyone understood that the process needed to be completed in as short a period as possible. Some workers felt the present 3-4 weeks was too long.
- Delays in getting the children into the system interfered with its effectiveness. That was unacceptable.
- Each of the Youth Justice Teams collected information about the Bureau but did little with that information.
- The information collected was not uniform rendering comparisons very difficult.
- Internal quality assessment or case evaluation took place in some areas, this tended to form a part of a team meeting.
- No area collected either qualitative or quantitative follow-up data.
- Scrutiny was not always at a youth justice level, sometimes adult standards and rules were applied.
- The impact on children generally appeared to be very positive though there is not quantitative data to prove that.
- There were some who suffered, especially those who lost time in school or college (see above the discussion about 'support for the child' and 'speed and delays'.
- From the rather rudimentary quantitative work we could do it seemed that the Bureau in each of the four areas was effective. It certainly seemed to lead to both higher completion rates and lower rates of re-offending. Certainly all the qualitative information pointed in that direction.
- Taking all aspects into account the Bureau seems to be cheaper than the old system.
- Taking all aspects into account overall the Bureau is more just than the old system.
- Bureaus have involved a higher work-load for youth justice teams.
- The type of work has altered moving from compulsory, statutory, work to voluntary interventions with children who are much earlier in their criminal careers.
- It was noted that the Bureau work required them to build a relationship between themselves and the child but that once this was done it was often easier to engage the children and to alter their behaviour patterns towards more pro-social modes of behaviour.
- There was a fear that as their statutory work declined so their funding might be in danger which would place all this excellent work in jeopardy.

Recommendations

- The ethos behind the Bureau system should be more clearly defined regionally and locally and be carefully disseminated to ensure that each person who works in youth justice is aware of why the Bureau is an important part of their service.
- There needs to be a recognition that restorative justice should not just be about offenders apologising to victims but also about communities supporting offenders and welcoming them back to a pro-social life-style.
- Restorative justice needs to rely less on blame and ensure that the attention to consequences is set at a child-appropriate level.

- Needs to be a greater and deeper embracing of the children first ethos of trying to prevent offending by using child-appropriate intervention leading to pro-social behaviour
- Also need to listen to the child
- Present staff need to understand the ethos behind the Bureau to better understand how to make their decisions.
- Staff need to take confidence in placing the child at the centre, ensuring child-appropriate interventions particularly in relation to understanding responsibility and the victim focused aspect of restorative justice.
- Training for new staff needs to be devised.
- Police training relating to the Bureau should be rolled out to all officers and PCSOs.
- Present staff need to understand the ethos behind the Bureau to better understand how to make their decisions.
- Training for new staff needs to be devised and information better disseminated to other agencies.
- The police should routinely place officers on secondment with youth justice to enhance partnership working to resolve youth justice.
- YRDs can be seen as a strong community based restorative approach and should be maintained and promoted further as a diversionary method of disposal.
- The issuing of a YRD should be accompanied with a check to see if the young person is known to other services.
- When issuing a YRD officers should consider referring the child to the Youth Justice preventions team.
- To improve consistency of YRD use either officers might receive more training or their use might be quality assured, possibly through peer review, officers discussing it amongst themselves and learning from each other.
- Police and YJS partners should discuss setting up systems which set out basic expectations in decisions to charge to ensure that when such decisions were made the decision-makers at least had all the available information in front of them.
- Unless a child is dangerous the police might explore ways in which officers could be persuaded to arrest in even fewer cases e.g. there might be a presumption that children should not be arrested and an officer might be required to explain why an arrest was necessary. This might focus their minds into considering an arranged interview in all cases involving children.
- Where a child is arrested a long way from home and the family have no transport it might be sensible to arrange transport for the parent/guardian so as to ensure as brief a stay in custody as possible.
- In cases committed in one part of Dyfed-Powys by a child living in another area the police might consider bailing them to return to their local station.
- The police should consider how they might tighten up some of their procedures to avoid delays. Possibly an automated e-mail could be sent to seconded officers each time a child is in the police system (arrested or voluntary interview).
- The police should never send cases through where there is insufficient evidence for a conviction, even if the child admits the offence.
- The police should never send through very trivial cases, these could be dealt with by use of a YRD and/or a referral to the YJS preventions team.

- To facilitate the child's ability to understand what the outcome is for them it might be sensible to devise a child-friendly form of words to be used when talking to them and a written note to be handed to children.
- The police should assess how best to ensure that children enjoy their rights to legal representation and Appropriate Adults even when they attend for a voluntary interview, maybe not just telling them about their rights to free legal advice but suggesting it might be a good idea.
- The home visit (or at least a face-to-face meeting) should remain in each case as the child's voice should be essential to the decision-making process.
- All YJSs look at the feasibility and desirability of using a screening tool so as to avoid the need for a full Asset in each case. However, great caution should be used before deciding to adopt a screening tool as it is important not to lose the depth of information about the child. A screening tool should be used not to save time but to ensure time is spent in ensuring the voice of the child comes to the fore.
- All YJSs should ensure that the interests of victims are properly addressed, they need to find out what victims consider should happen and whether they would like an apology or to be involved in any restorative process.
- The victim should not dominate the process. Victims should probably not attend the Bureau. The Bureau is about the child and the presence of a victim may mute the voice of the child.
- Meetings between victims and the children should be separate from other aspects of Bureau.
- If a victim hub is considered care should be taken to ensure it does not impact negatively upon the work of the Bureau.
- YJSs might usefully consider analysis of victim feedback forms. To reduce staff time this could be an automated system.
- Pre-panel reports should be available the day before the Bureau meeting.
- Restorative principles should decide how the room should be organised for the Bureau meetings.
- Seating should be in a restorative circle to ameliorate the pressure on the child, so they feel included and part of the process.
- The research suggests that the officer present at the Bureau should not wear a uniform. If a uniform is thought to be essential it should be dark trousers and a white shirt only.
- There was some suggestion that when giving a caution a police officer should be in uniform and the blue jacket might be added over whatever was previously being worn.
- Care should be taken not to have more than three people participating in the Bureau (occasional observers may be OK especially for training purposes).
- Children need to be very carefully prepared for what will happen in the Bureau and what it is for.
- Whilst our research is not conclusive it seems that it would be sensible to separate the restorative/apology from the bureau by holding them on separate days and/or in separate locations. This should reduce confusion.
- The Bureau should be more flexible about their outcome, be willing to listen to the child and alter things, maybe only interventions but keep an open mind for the full Bureau hearing.
- Build in more opportunities for taking account of what children say both before the Bureau meetings and at the Bureau meetings by building this in to the outcomes in a more meaningful way. Truly listen.
- The Bureau panel should be encouraged to use its discretion to award more than one community resolution in any 12 month period. It should justify all such decisions, explaining why the decision is appropriate in each particular case.

- In serious cases, where the Bureau is considering returning the child to the police for the case to go to court, they should think very carefully and remember that children mature (desistance theory) and that they may now respond positively to the support and encouragement offered by the Bureau even if they had not done so in the past.
- The need for compliance should not lead to a more serious outcome being used.
- Interventions should be limited and it should be possible to complete them in a short period of time.
- Bureau should think carefully before including reparation or compensation as an intervention.
- Restorative justice was generally very effectively used but in some cases the professionals needed to consider the situation more from the perspective of a child and remember, and remind the victim that they are not adults.
- The YJSs might pool knowledge about compensation and try to agree on best practice.
- All YJSs need to increase their partnerships to ensure that they are in a position to either provide or facilitate individualised support which helps to prevent offending and encourages the child to build positive social behaviour allowing them to flourish.
- The outcome needs to be explained both orally and in writing after the Bureau, preferably a day or so after the hearing so that the child and his/her parent/carer are better able to understand it.
- Reasons for the decisions need to be more individualised and take more account of what children say.
- The way in which they are written needs to change - be written for the child not for adults.
- Children should be given a copy on the day and sent another in the post, both versions need to be in simple, everyday language.
- Police procedures such as those which delayed a Bureau case whilst a co-offender's case goes to court need to be questioned and dealt with
- Single officer responsibility for each case is causing some delays and might, usefully be reconsidered.
- All the teams should agree on a core of data they want to collect (each team may add to that agreed core). They should also record the data in an agreed format e.g. an Excel spreadsheet. Each of these would facilitate data analysis and comparisons between areas.
- Areas should agree on what follow-up data (qualitative or quantitative) should be collected and how this should be achieved.
- All youth justice teams should conduct regular internal quality assessment or case evaluation. These should be supportive peer-reviews and intended to facilitate learning rather than find fault.
- The four Youth Justice Services should arrange annual or 6 monthly meetings where cases are peer reviewed so that they can learn good practice from each other.
- The OoCD Scrutiny Panel needs to enhance its awareness of youth justice standards and issues and decision making in relation to children.
- The OoCD Scrutiny Panel should separate out child cases from adult cases. It might even be sensible to hold two distinct meetings with different experts present.
- As suggested in previous sections the Bureau system needs to ensure that the child is always listened to and that the YJW not only addresses criminogenic needs and those which arise from assessments but also those the child sees as important.